

By Mr. ESTOPINAL: Petition of the Louisiana State Board of Health, favoring an appropriation for investigating and preventing pellagra; to the Committee on Appropriations.

Also, petition of the New Orleans Board of Trade, protesting against the passage of Senate bill 7208; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Rock Island Club, the Rock Island Retail Merchants' Association, and the Fifty Thousand Club of Rock Island, Ill., favoring proposed appropriation for equipping one of the present buildings for the manufacture of field carriages for artillery, etc.; to the Committee on Military Affairs.

Also, petition of J. F. Lambson, Lexington, Nebr., favoring the passage of House bill 1339, granting an increase of pension to veterans who lost a limb in the Civil War; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of the directors of the Springfield Board of Trade, favoring the passage of the bill providing for practical navigation of the Connecticut River from Long Island Sound to Holyoke; to the Committee on Rivers and Harbors.

Also, petition of the Federation of Jewish Farmers of America, favoring the passage of legislation creating a system of farmers' credit unions; to the Committee on Banking and Currency.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. HARTMAN: Petition of Washington Camp, No. 79, Patriotic Order Sons of America, Hopewell, Pa., favoring the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENSLEY: Petition of Minnie Steel, Woman's Christian Temperance Union, of Alliance, Mo., favoring the passage of the Kenyon-Sheppard interstate liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. HINDS: Papers to accompany bill for the relief of Walter Whitney; to the Committee on Military Affairs.

By Mr. LANGLEY: Petition of citizens of Pikeville, Ky., favoring the passage of the Kenyon-Sheppard liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. LEVY: Petition of the Northwestern Mutual Life Insurance Co., of Milwaukee, Wis., and of Kirkland Bros. & Co., New York, favoring the passage of House bill 36, giving Federal protection to migratory birds; to the Committee on Agriculture.

Also, petition of the American Automobile Association of America, favoring the proposed road from Gettysburg to Washington in connection with the Lincoln Memorial; to the Committee on the Library.

Also, petition of the North Side Board of Trade, of New York City, favoring the relocation of the pierhead line in the Hudson River between Pier 1 and West Thirtieth Street; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Academy of Political and Social Science and the Columbia University, of the city of New York, favoring appropriation for holding of the second Pan American Scientific Congress at Washington; to the Committee on Appropriations.

Also, petition of Pine Bluff Lodge, No. 305, Brotherhood of Railroad Trainmen, protesting against the passage of the proposed employees' compensation act; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Henry L. Harris and Jacob Sands, of Kirksville, Mo., favoring the passage of House bill 1339, granting pensions to limbless veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Board of Trade, reaffirming its belief in a permanent tariff commission; to the Committee on Ways and Means.

Also, petition of the Philadelphia Board of Trade, favoring the passage of legislation for the restoration of the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the board of directors of the Philadelphia Maritime Exchange, favoring the passage of Senate bill 7503, for the reduction of letter postage to 1 cent; to the Committee on the Post Office and Post Roads.

By Mr. PEPPER: Petition of Hubert J. Bryce and 50 other citizens of Canton, Iowa, favoring the passage of the Kenyon-

Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. POWERS: Papers to accompany bill for the relief of the heirs of Parks D. Brittain; to the Committee on War Claims.

By Mr. WEEKS: Petitions of H. A. Wilder and John F. Brant, of Newborn, Mass., and the class of sociology of Boston University, Boston, Mass., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petitions of citizens and clubs of Newton, Mass., and the class of sociology of Boston University, Boston, Mass., favoring the passage of the Kenyon bill to clean up Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. WICKERSHAM: Petition of Indians and other resident fishermen in Alaska, praying for legislation by Congress to prevent setting fish traps in tidal waters of Alaska; to the Committee on the Territories.

By Mr. WILLIS: Papers to accompany bill (H. R. 27526) granting a pension to Emma B. Showalter; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Central Federated Union of Greater New York and Vicinity, protesting against the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Brooklyn League, favoring the passage of the bill for the relocation of the pierhead line in the Hudson River between Pier 1 and West Thirtieth Street; to the Committee on Interstate and Foreign Commerce.

Also, petition of William Knappman & Co., Brooklyn, N. Y., protesting against the reduction of the present tariff on whiting and Paris white; to the Committee on Ways and Means.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the Busburck Avenue Methodist Episcopal Sunday school, Brooklyn, N. Y., favoring the passage of the Kenyon-Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the manufacturers and journey men and women of the gold-leaf industry, asking that the tariff on gold leaf in paragraph 177, Payne tariff, be made to read 50 cents in place of 35 cents, etc.; to the Committee on Ways and Means.

Also, petition of the Federation of Jewish Farmers of America, favoring the passage of legislation establishing a system of farmers' credit unions; to the Committee on Banking and Currency.

SENATE.

SATURDAY, January 4, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

WILLIAM P. DILLINGHAM, a Senator from the State of Vermont, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

RESIGNATION OF SENATOR J. W. BAILEY.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair lays before the Senate a communication, which will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., January 3, 1913.

Hon. J. H. GALLINGER,
President of the United States Senate pro tempore.

DEAR SIR: I hereby tender my resignation as a Senator from the State of Texas.

J. W. BAILEY.

The PRESIDENT pro tempore. If there is no objection the communication will lie on the table.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of ascertainment of electors for President and Vice President appointed in the States of Michigan, Utah, and Texas at the elections held in those States November 5, 1912, which were ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, transmitted to the Senate resolutions on the death of Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 10169. An act to provide for the holding of the district court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge; and

H. R. 10648. An act amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes and to protect the same."

PETITIONS AND MEMORIALS.

Mr. CRAWFORD presented a petition of sundry citizens of Mitchell and Hitchcock, in the State of South Dakota, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. NELSON presented resolutions, adopted by the State Forestry Board of Minnesota, remonstrating against the enactment of legislation transferring the control of the national forests to individual States, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Godahl Creamery Association, of St. James, Minn., remonstrating against the passage of the so-called Lever oleomargarine bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Monday Afternoon Club, of Willmar, Minn., praying for the enactment of legislation for the protection of migratory birds, which was ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of McPherson and Belleville, in the State of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of race-gambling bets, etc., which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of McPherson and Belleville, in the State of Kansas, praying for the enactment of legislation to prohibit the nullification of State anticigarette laws through "original packages" shipped in from other States, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of McPherson and Belleville, in the State of Kansas, praying for the passage of the so-called Kenyon red-light injunction bill, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the fifth congressional district of Kansas and of Rawlins County, Kans., praying that an investigation be made into the methods used in the prosecution of the Appeal to Reason, a socialist newspaper published at Girard, Kans., which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of McPherson, Belleville, McLouth, and Bonner Springs, and of the congregations of the Methodist Episcopal Church of Spearville, the Methodist Episcopal Church of Beloit, and of the Church of the Brethren, Southeast District, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Vassalboro, Kittery, Nobleboro, South Paris, and Norway, and of the Woman's Christian Temperance Union of Nobleboro, all in the State of Maine, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Whitefield, Me., and a memorial of sundry citizens of Rockland, Me., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. BROWN presented a petition of members of the Interdenominational Men's League of Hastings, Nebr., and a petition of the congregations of sundry churches of Hastings, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 45) granting an increase of pension to Michael Liebhart, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 7595) granting an increase of pension to Nelson Taylor, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 7597) granting a pension to Charles F. Lane, which were referred to the Committee on Pensions.

Mr. SHIVELY presented a petition of sundry citizens of New Albany, Ind., praying for the enactment of legislation to protect migratory game and insectivorous birds in the United States, which was ordered to lie on the table.

Mr. WORKS presented a memorial of members of the Wednesday Afternoon Club, of Alhambra, Cal., remonstrating against the enactment of legislation proposing to change the present national system of protecting the forests of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a resolution adopted by the Chamber of Commerce of Los Angeles, Cal., praying for the establishment of a quarantine station on Deadmans Island, Los Angeles Harbor, which was referred to the Committee on Commerce.

Mr. GALLINGER presented the petition of Rev. Edward A. Tuck, of West Concord, N. H., and a petition of the superintendent and employees of the Sears-Roebuck Shoe Factories, of Littleton, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a petition of sundry inmates of the Pacific Branch of the Soldiers' Homes, in the State of California, praying for the adoption of certain reforms and improvements at the soldiers' home at Santa Monica, Cal., which was referred to the Committee on Military Affairs.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. WORKS. I present a number of petitions for reference, one being a letter from Hon. W. W. Morrow, judge of the United States circuit court, with reference to the participation of the United States in the Panama-Pacific International Exposition to be held in San Francisco in 1915. I ask that the letter be printed in the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the letter was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., December 27, 1912.

Hon. JOHN D. WORKS,

United States Senator, Washington, D. C.

MY DEAR SENATOR: Senate bill 7826, introduced by Senator PERKINS on December 19, 1912, provides very appropriately for the participation of the United States in the Panama-Pacific International Exposition, to be held in San Francisco in 1915. The participation is declared to be for the exhibition of "such articles and materials as illustrate the function and administrative faculty of the Government of the United States, tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war." For the purpose of providing for the collection and exhibition of such articles and materials a board is to be created, "to be known as the Government exhibit board, to be composed of one person to be named by the head of each executive department and one each by the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the governor of Porto Rico, the governor of Alaska, and the Geographic Board."

I beg leave to suggest that the American National Red Cross be added to this list. This society, as you know, occupies a very prominent and important position in this country and in the world at large in the care of the sick and wounded in time of war and in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great natural calamities in times of peace. It therefore illustrates in its work and in the methods it employs the progress the people have made in the last few years in mitigating the evils inseparable from war and the disasters caused by great calamities.

The American National Red Cross as now organized was incorporated by the act of Congress approved January 5, 1905. The act declared its purpose to be "to furnish volunteer aid to the sick and wounded of armies in time of war" and "to act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies and other Governments through the Comité International de Secours and the Government and the people and the Army and Navy of the United States of America."

It is also authorized by the act of Congress "to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and carry on measures for preventing the same."

The act named certain persons as incorporators and made them a body corporate and provided that the governing body of the corporation should be a central committee composed of six members appointed by the incorporators, six members representing the State and Territorial societies authorized by the act, and six members appointed by the President. The presidential appointees on the committee include a representative from each of the Departments of State, War, Navy, Treasury, and Justice.

The proceedings, together with a full, complete, and itemized statement of the receipts and expenditures of the corporation are required to be reported annually to the Secretary of War. The receipts and expenditures are required to be audited by the War Department and a report transmitted to Congress by the War Department. The President of the United States is now the president of the corporation. The society was fully organized immediately after its incorporation, and has been actively engaged ever since in carrying out the purposes of its organization in administering relief to sufferers from great calamities like the earthquake and fire at San Francisco. The Mississippi floods, the forest fires in the Northwest, the famine in China, and in numerous mine disasters, and in addition has rendered aid to the sick and

wounded of armies in time of war, as, for example, in the Russian-Japanese war and in the present war between the Balkan States and Turkey. In this relief work it has expended over \$6,000,000 since 1905. I mention these features of the work and organization of the American National Red Cross to show that it is practically a Government organization, whose work and methods of procedure bring it peculiarly within the terms of the bill providing for a participation of the United States in the Panama-Pacific International Exposition in San Francisco in 1915.

The society is not only national but international, and in both form of activities it is proposed to hold national and international sessions in San Francisco in 1915 for the purpose of illustrating its work in both peace and war, and it is also proposed to make an exhibition of articles and materials illustrating the scope and character of such relief work.

In this connection, San Francisco itself will be an exhibit of the value of Red Cross relief in promoting its recovery from the direful effects of the earthquake and fire of 1906. In other words, the Red Cross, both national and international, will be an instructive feature of the exhibition, showing the function and administrative faculty of the people of the United States in mitigating the evils of war and affording relief to sufferers in times of great calamities.

I therefore respectfully suggest that a representative of the American National Red Cross be placed on the board provided in Senate bill 7826, and that the bill should be so amended in committee.

I inclose for your information copies of the following:

1. The American National Red Cross—Charter and by-laws.
2. The American National Red Cross—Origin, purpose, organization.
3. Conservation. The principle of the Red Cross. An address by Miss Mabel Boardman.

Very respectfully,

WM. W. MORROW.

THE AMERICAN NATIONAL RED CROSS.

ORIGIN.

The International Conference of Geneva, held in 1863, recommended "that there exist in every country a committee whose mission consists in cooperating in times of war with the hospital service of the armies by all means in its power."

The Geneva Convention of 1864 and the Geneva Convention of 1906, the latter held for the revision of the treaty of Geneva—sometimes called the "Red Cross Treaty"—give definite status to the officially recognized volunteer aid societies. These volunteer aid societies, because of the character of the insignia or badge adopted to distinguish their personnel and matériel—a Greek red cross on a white ground—are universally known as "Red Cross Societies."

PURPOSES.

The original purpose for the organization of Red Cross Societies, as will be inferred from the above, was to supplement the medical services of armies in time of war.

The great need, however, of a thoroughly trained and efficient organization, national in scope and permanent in character, to render assistance after great disasters, has been so well established that many of the Red Cross Societies have extended their functions to include relief operations in time of peace. Indeed, it has been proved that those societies which are most active in conducting relief and preventive measures in time of peace are best prepared to cope with the extraordinary requirements of war.

Recognizing this fact, the United States Congress, by the act approved January 5, 1905, to incorporate the American Red Cross and place it under Government supervision, declared its purposes—in addition to its duties in time of war—to be: "To continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same."

ORGANIZATION.

The American National Red Cross is incorporated by act of the United States Congress. Its officers are a president, vice president, secretary, counselor, treasurer, and national director. Section 5 of the act of incorporation provides that "the governing body of the said American Red Cross shall consist, in the first instance, of a central committee numbering 18 persons." The law also provides that the chairman and five members of the central committee shall be appointed annually by the President of the United States, the five members appointed by the President to represent the Departments of State, War, Navy, Treasury, and Justice. Twelve members are elected at the regular annual meeting of the society.

The central committee is empowered by law to elect from its own members an executive committee of seven, to which is given all powers of the central committee when the latter is not in session.

The by-laws provide for three relief boards, namely, the war relief board, the national relief board, and the international relief board. To each of these boards have been assigned special duties in connection with its particular department of relief operations.

The first-aid department and the nursing service are under the direction of two subcommittees appointed by the war relief board. The first-aid committee is engaged in promoting first-aid instruction among the employees of mining companies, railroads, industrial establishments, and the public at large, and the committee on nursing service is engaged in the organization of a large corps of the best trained nurses of the country for service under the Red Cross in time of war or disaster.

State and local organizations: State boards, consisting of from 3 to 10 persons, appointed by the chairman of the central committee, constitute a permanent emergency committee in every State. The governor of the State is the president of the board.

Besides these State boards there are local organizations in upward of 100 cities. These local bodies are known as chapters. Each has its own officers and members. These chapters are of service in the collection of funds and supplies for relief when a call is made upon them by the central committee. When a disaster occurs in the territory of a chapter, the chapter, together with the institutional member, if there be one within its jurisdiction, enters immediately upon measures of relief.

Institutional members: It has been regarded by the central committee as desirable to bring to the command of the Red Cross for emergency work following great calamities trained service such as is to be found only in the ranks of well-organized charitable societies in the larger cities of the United States. To meet this need there has been created an "institutional membership" in which there have been enrolled a number of the most efficient charitable societies of the United States.

The national director: The national director is the official representative of the central committee and national relief board, and upon

his arrival at the scene of a disaster where Red Cross assistance is required takes charge of the relief operations.

The endowment fund: The endowment fund is managed and controlled by a board of nine trustees.

Reports: The Red Cross is required by law to make an annual report of its proceedings to the Secretary of War. This report is transmitted by the Secretary of War to Congress, where it is printed as a public document.

Audit of accounts: The law requires that the accounts of the American Red Cross be audited annually by the War Department. This is the best possible assurance that the funds entrusted to the society for expenditure will be properly and accurately accounted for.

The American Red Cross bulletin: The Red Cross publishes a quarterly magazine devoted to the interests of the society and contains illustrated articles relating to relief operations in the United States and foreign countries.

Magnitude of the work of the American Red Cross: Since the reincorporation of the society in 1905, the Red Cross has rendered relief after more than 40 disasters caused by earthquakes, volcanic eruptions, fires, floods, famines, mine explosions, and wars in this and foreign countries. The funds received by the American Red Cross and expended in relief since January, 1905, exceed \$5,000,000.

General membership: Any citizen of the United States is eligible for enrollment as a member of the Red Cross. There are three classes of membership—life membership, sustaining membership, and annual membership. The dues for life membership are \$100, for sustaining membership, \$10, payable annually; and for annual membership, \$1, payable annually. Applications for enrollment should be addressed to the secretary of the American Red Cross, Washington, D. C., or to the secretary of a local chapter. All members receive the quarterly bulletin during the period of their membership.

OCTOBER 1, 1911.

RIGHT OF APPEAL FROM DEPARTMENTAL DECISIONS.

Mr. JONES. I have a copy of a resolution adopted by the American Mining Congress at its fifteenth annual session held at Spokane, Wash., November 25 to 29, 1912, favoring legislation conferring jurisdiction upon the proper United States district courts to entertain suits at the instance of any person in interest, and so forth, in all cases involving the claim or right and possession, occupation, title, or right to acquire title to any nonmineral or mineral lands under the mining or other public-land laws. I ask that the resolution be printed in the RECORD without reading, and that it be referred to the Committee on Public Lands.

There being no objection, the resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Resolution adopted by the American Mining Congress at its fifteenth annual session held at Spokane, Wash., November 25 to 29, 1912.

Whereas the Executive Department of the United States Government has from time to time withdrawn from entry a very considerable portion of the remaining public domain for purposes of permanent reservation or classification with a view of securing legislation from Congress, including forest, mineral and agricultural lands; and

Whereas these withdrawals are avowedly made upon Executive and departmental conviction that the existing laws of Congress in relation to the disposition of public lands are unwise, and that new laws meeting Executive or departmental approval should be passed; and

Whereas thousands of citizens have initiated or perfected claims to title to such withdrawn lands prior to the Executive withdrawal thereof, and have initiated or perfected such claims to title under existing laws; and

Whereas such existing claims so perfected or made prior to the various withdrawals are adverse and antagonistic to Executive and departmental belief as to the best use to which such lands should be put; and

Whereas the laws and Executive orders of withdrawal provide that upon the departmental rejection or cancellation of any such existing private claims the lands thereby, by reason of such rejection, become subject to and available for the uses and purposes of such Executive or departmental withdrawals; and

Whereas great controversy, complaint, and departmental litigation has resulted by reason of the departmental investigation, adjudication, and cancellation of such private entries and claims; or in delay in final action and because of long-continued suspension of such claims; and

Whereas there is widespread conviction among such private claimants and entrymen that the executive department, in adjudicating the rights of claimants, have not in all instances been successful in ignoring the departmental policy and belief that present legislation is unwise and rights granted thereunder are improvident and inimical to the uses to which the department believes the land can best be put; and

Whereas it is a fundamental proposition in law and natural equity that no person, officer, or judge should have an interest or bias which could be aided or gratified by a decision rendered by himself in determining the liberty or property rights of another; and

Whereas the present Commissioner of the General Land Office, in considering his general jurisdiction in adjudicating questions affecting the right of persons generally to acquire title to public lands, stated, on page 20 of his annual report for the fiscal year ending June 30, 1911: "It is impossible for the commissioner and his assistant to pay the judicial attention to these cases which they should receive. The bar practicing before this office has very little opportunity to submit its cases directly to those who are by law responsible for the decisions, because of the multitudinous duties placed on these officers. The head of the office can not find time to give individual attention to many of the most important cases which are submitted for his consideration"; and

Whereas the Secretary of the Interior has numerous bureaus and manifold duties requiring his attention; and in his report to Congress under date of February 13, 1912, on H. R. 18235, in speaking of the single subject of appeals to him from the decisions of the Commissioner of the General Land Office, said: "During the past two months, as an example, an average of over 300 cases per month have been decided in the department on appeal from the General Land Office." Which statement demonstrates the physical impossibility of

the Secretary or his assistant secretary giving personal attention to the real merits of individual cases; and

Whereas the investigating agents and many of the witnesses used by the Secretary of the Interior in the preparation of adverse reports and the introduction and giving of evidence upon which the department must rely in canceling existing private entries are his own appointees and employees in whom he necessarily must place great faith and reliance, while the witnesses for the private entrymen and claimants are either unknown to him or by reason of their residence in the vicinity of the public lands frequently are themselves claimants to like lands; and

Whereas final decision by the General Land Office or the Interior Department is rendered at Washington, several thousand miles from the land and residence of the claimants; and

Whereas under existing law the decision of the Interior Department canceling an entry or claim upon questions of fact is final and can not be reviewed by the courts; and

Whereas we believe that in all cases wherein the Executive Department has withdrawn lands for a use or purpose adverse or inconsistent with the existing private entry of a citizen, it is fair and just that such citizen may have his rights and the facts in the case determined in the courts and not in the Executive Department; and also that such citizen may secure action in the courts whenever his application is for any reason so delayed in the department as to amount to a practical rejection thereof; And therefore be it

Resolved, That the American Mining Congress favors legislation conferring jurisdiction upon the proper United States district courts to entertain suits at the instance of any person in interest, and determine the law and fact de novo, and render final decision in all cases involving the claim or right to possession, occupation, title, or right to acquire title to any nonmineral or mineral lands under the mining or other public land laws wherein it shall be made to appear:

First, That such claim or right shall have been finally rejected by the Secretary of the Interior or other proper final executive authority, and the land involved shall be at date of such rejection or within 30 days thereafter within any permanent or temporary reservation or Executive order of withdrawal, or under suspension from disposition under the public-land laws, mineral or nonmineral; or

Second, That such claim or right shall have been finally rejected by the Secretary of the Interior or other proper final executive authority, and such rejection shall be based, in whole or in part, upon a finding as to the mineral or nonmineral character of the land; or

Third, That any final application to purchase, enter, or otherwise acquire title or to acquire a right to occupancy or possession under such claim or right shall have been pending before the Interior Department or other proper department, bureau, or officer, for a period of two years without final action and free from any bona fide private contest: *Provided*, That jurisdiction under this act shall not extend to final decisions awarding the land to a private contestant upon contest not putting in issue the mineral or nonmineral character of the land; and such suit shall not be filed after one year from notice of final rejection of the claim or right, nor shall any suit invalidate intervening adverse rights unless notice of intention to file suit shall have been filed in the proper local land office within 60 days of notice of such final rejection.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon: S. 7508. A bill to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia (Rept. No. 1081); and

H. R. 22010. An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire (Rept. No. 1082).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8619) to amend "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, reported it with an amendment and submitted a report (No. 1083) thereon.

He also, from the same committee, to which was referred the bill (S. 1787) to amend "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, submitted an adverse report (No. 1084) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 6919) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia, reported it with amendments and submitted a report (No. 1085) thereon.

Mr. WORKS, from the Committee on the District of Columbia, to which was referred the bill (S. 7509) to authorize the extension of Twenty-fifth Street SE. and of White Place, re-

ported it without amendment and submitted a report (No. 1086) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 7917) granting an increase of pension to Jerome S. Pinney; and

A bill (S. 7918) granting an increase of pension to Mary J. Richardson (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7919) for the relief of Gabriel Campbell (with accompanying papers); to the Committee on Military Affairs.

By Mr. WORKS:

A bill (S. 7920) for the relief of W. T. Rice (with accompanying paper); to the Committee on Claims.

A bill (S. 7921) granting an increase of pension to James Tiernan (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 7922) granting a pension to Caroline J. McBratney (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7923) for the relief of the heirs of Ann Gregory, deceased; to the Committee on Claims.

A bill (S. 7924) granting a pension to Golda M. Morrison (with accompanying paper); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 7925) to increase the limit of cost of the United States public building at Miles City, Mont.; to the Committee on Public Buildings and Grounds.

A bill (S. 7926) giving the right to an additional homestead to all persons who have exhausted or who shall exhaust their original right of entry through the purchase of Indian lands; to the Committee on Public Lands.

By Mr. SHIVELY:

A bill (S. 7927) to place on the retired list of the Army the names of the surviving officers who were mustered out under the provisions of the act of Congress approved July 15, 1870; to the Committee on Military Affairs.

A bill (S. 7928) for the relief of Leonidas Stout (with accompanying papers); to the Committee on Claims.

A bill (S. 7929) granting pensions to volunteer Army nurses of the Civil War; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7930) granting an increase of pension to Frederick M. Douglass (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

(By request.) A bill (S. 7931) to remove the charge of desertion from the military record of Thomas W. Hopkins and extend to him pensionable rights (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7932) granting an increase of pension to Luke Cassidy (with accompanying papers);

A bill (S. 7933) granting an increase of pension to Lewis F. Branson (with accompanying papers);

A bill (S. 7934) granting an increase of pension to Amanda E. Glenn (with accompanying papers); and

A bill (S. 7935) granting an increase of pension to Solomon Kessinger (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7936) for the relief of William M. Burns; to the Committee on Military Affairs.

A bill (S. 7937) granting an increase of pension to James F. McGrew (with accompanying papers);

A bill (S. 7938) granting an increase of pension to John W. Wareham (with accompanying papers);

A bill (S. 7939) granting an increase of pension to William Woodford Mitchell (with accompanying papers);

A bill (S. 7940) granting an increase of pension to Alfred H. Fodrea (with accompanying papers);

A bill (S. 7941) granting an increase of pension to Frances F. Godown (with accompanying papers);

A bill (S. 7942) granting an increase of pension to Aaron Stauter (with accompanying papers); and

A bill (S. 7943) granting an increase of pension to Hiram Brubaker (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 7944) to protect the water supply of the city of Portland, Oreg.; and

A bill (S. 7945) to create the Oregon Caves National Park in the State of Oregon; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 7946) granting an increase of pension to Mary McClure; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7947) granting a pension to James B. Gillick;

A bill (S. 7948) granting an increase of pension to David E. Wood; and

A bill (S. 7949) granting an increase of pension to John C. Vennum; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 7950) granting a pension to Sara S. Dowdy; to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 7951) to provide for the construction of an addition to the Federal building at Missoula, Mont.; to the Committee on Public Buildings and Grounds.

A bill (S. 7952) granting an increase of pension to Henry C. Hollenbeck; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7953) granting an increase of pension to Peter Binkley (with accompanying papers); and

A bill (S. 7954) granting a pension to Ida M. Smith; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 7955) granting a pension to John Partello (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7956) granting an increase of pension to John R. Mayhew;

A bill (S. 7957) granting a pension to Walter W. Dow; and

A bill (S. 7958) granting a pension to Benjamin Wentworth (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 7959) to correct the military record of Charles K. Bolster; and

A bill (S. 7960) to correct the military record of William Bartlett; to the Committee on Military Affairs.

By Mr. STONE:

A bill (S. 7961) for the relief of the estate of George Patterson, deceased (with accompanying papers); to the Committee on Claims.

A bill (S. 7962) granting an increase of pension to Edmond Melton (with accompanying papers);

A bill (S. 7963) granting an increase of pension to Eli W. Pierce (with accompanying papers);

A bill (S. 7964) granting an increase of pension to John Painter (with accompanying papers); and

A bill (S. 7965) granting an increase of pension to Lefford Matthews (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 7966) providing for the disposal of certain lands containing coal and other minerals within portions of Indian reservations heretofore opened to settlement and entry in the State of South Dakota; and

A bill (S. 7967) providing for the disposal of certain lands containing coal and other minerals within portions of Indian reservations heretofore opened to settlement and entry; to the Committee on Public Lands.

AMENDMENT TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment proposing to appropriate \$40,000 for special mail facilities from the United States naval station at Pago Pago, Island of Tutuila, via Honolulu and San Francisco, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate \$2,000 for the salary of the surveyor general of South Dakota, etc., intended to be proposed by him to the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$6,200 for the maintenance of the assay office at Deadwood, S. Dak., intended to be proposed by him to the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COOPERATIVE DAIRYING IN DENMARK (S. DOC. NO. 992).

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed as a document a lecture delivered by Hon. Maurice F. Egan, American minister to Denmark, on the subject of cooperative dairying as practiced in that country. It contains some very valuable data of interest to our agricultural people.

Mr. SMOOT. I should like to ask the Senator where the lecture was delivered. It is not a report as minister, but, as I understand, a lecture delivered somewhere in the United States.

Mr. FLETCHER. Mr. Egan came at the invitation of the Southern Commercial Congress to address its meeting held in Nashville, Tenn., last April, and while he was here he delivered this lecture in a number of States on the subject of cooperative dairying as practiced in Denmark. I think it is a very valuable paper.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and the order is entered.

ADDRESS BY NICHOLAS MURRAY BUTLER (S. DOC. NO. 993).

Mr. CLARK of Wyoming. I have a copy of an address before the Commercial Club, Chicago, Ill., December 14, 1912, by Nicholas Murray Butler. It is a very important paper. I ask that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY BEREAVEMENT.

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH], who was called home last week on account of the sudden death of one of his children.

INAUGURATION OF THE PRESIDENT ELECT.

The PRESIDENT pro tempore. Under the concurrent resolution of the Senate of December 9, 1912, providing for the appointment of a joint committee to make necessary arrangements for the inauguration of the President elect of the United States on the 4th day of March next, the House having appointed a committee on behalf of that body, the Chair will name the Senator from Massachusetts [Mr. CRANE], the Senator from Georgia [Mr. BACON], and the Senator from North Carolina [Mr. OVERMAN] members of the joint committee on the part of the Senate.

ISTHMIAN CANAL COMMISSION (H. DOC. 1216).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the requirements of section 10 of the act approved August 24, 1912, I transmit herewith a letter addressed to me by the Secretary of War, dated December 23, 1912, submitting a letter from the chairman of the Isthmian Canal Commission, dated December 13, 1912, and accompanying statement of all expenses incurred by officers and employees of the Isthmian Canal Commission in attending meetings and conventions from June 30 to December 1, 1912.

WM. H. TAFT.

THE WHITE HOUSE, January 3, 1913.

ANNUAL REPORT OF CIVIL SERVICE COMMISSION (H. DOC. NO. 963).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Twenty-ninth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1912.

WM. H. TAFT.

THE WHITE HOUSE, January 3, 1913.

[NOTE.—Report accompanied similar message to the House of Representatives.]

OMNIBUS CLAIMS BILL.

Mr. CULLOM. I submit a proposed amendment to the omnibus claims bill and ask that it be accepted by the chairman. It is a longevity claim that I present.

Mr. CRAWFORD. It is in the form of an amendment?

Mr. CULLOM. An amendment offered.

Mr. CRAWFORD. Very well. When we take up the bill it can be considered.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The Chair will state that, as we are now under morning business, the proposed amendment will lie upon the table until the morning business is concluded and the claims bill is regularly before the Senate.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

INVESTIGATION OF CAMPAIGN CONTRIBUTIONS.

Mr. CLAPP. I offer the following resolution and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read. The resolution (S. Res. 418) was read, as follows:

Resolved, That Senate resolution 79, agreed to August 26, 1912, be, and the same is hereby, amended by inserting, in line 2, page 2, of said resolution, after the word "eight," the words "November 5, 1912."

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. GALLINGER. I will ask what is the purpose of the resolution.

Mr. CLAPP. I was going to state it as soon as I had an opportunity. It is to amend the resolution which provided for the creation of a special committee of the Committee on Privileges and Elections to investigate the matter of campaign contributions. The original resolution authorized the committee to take up the question of contributions in the campaigns of 1904 and 1908. Subsequently it was amended to include the primary or preliminary campaigns of 1912, but it does not cover the presidential campaign of 1912. I think, for the purpose of comparison in the report the committee will probably make, they should have the statements of 1912. I wish to be frank about it. I expect possibly that we will take some testimony with reference to the campaign of 1912.

Mr. OLIVER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. CLAPP. With pleasure.

Mr. OLIVER. Do I understand the Senator from Minnesota to offer this as coming from the committee?

Mr. CLAPP. No, sir; I offer it as coming from myself.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. POMERENE. I ask to have the resolution read.

The PRESIDING OFFICER. Does the Senator from Ohio ask that the original resolution may be read, or the resolution now proposed?

Mr. POMERENE. The amendment proposed.

The PRESIDING OFFICER. The Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. OLIVER. I think it had better go over. I object.

The PRESIDING OFFICER. The Senator from Pennsylvania objects.

Mr. CLAPP. Then I move that, notwithstanding the objection, the Senate shall proceed to the consideration of the resolution.

Mr. GALLINGER. That can not be done under the rule, Mr. President.

The PRESIDING OFFICER. The Chair would inform the Senator from Minnesota that under the rule, when an objection is made, a resolution just offered must go over.

Mr. CLAPP. I understand the rule. I made the motion; that is all.

The PRESIDING OFFICER. The resolution will go over.

COMMITTEE SERVICE.

Mr. GALLINGER. I submit a resolution and call the attention of the senior Senator from Virginia [Mr. MARTIN] to it. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Mr. JACKSON be assigned to service on and to the chairmanship of the Committee on Expenditures in the Department of State, and to service on the Committees on Manufactures, Mines and Mining, the Philippines, Public Buildings and Grounds, and Public Lands.

Mr. MARTIN of Virginia submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That Senator ROBERT L. OWEN, of Oklahoma, be assigned to the chairmanship of the Committee on Indian Depredations;

That Senator BENJAMIN F. SHIVELY, of Indiana, be assigned to the chairmanship of the Committee on Pacific Railroads;

That Senator JAMES A. O'GORMAN, of New York, be assigned to the Committee on Foreign Relations;

That Senator DUNCAN U. FLETCHER, of Florida, be assigned to the Committee on the Judiciary;

That Senator KIRTLAND I. PERKY, of Idaho, be assigned to the following committees: Education and Labor, Civil Service and Retrenchment, Industrial Expositions, Transportation Routes to the Seaboard, and Expenditures in the Department of Justice.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. I ask the unanimous consent of the Senate to the following agreement:

That on Tuesday, January 21, at 4 o'clock in the afternoon, the Senate shall proceed to vote upon Senate joint resolution No. 78, with all amendments that have been or may be offered, without further debate, provided that the mover of any amendment may speak upon it for not to exceed 10 minutes and each other Senator not to exceed 5 minutes.

Mr. REED. We could not hear in this part of the Chamber. Will the Senator kindly restate the matter?

Mr. CUMMINS. I can not hear the Senator from Missouri.

Mr. REED. There seems to be confusion on the other side of the Chamber also. I ask the Senator if he will kindly restate the proposition? We could not hear him in my immediate vicinity.

Mr. CUMMINS. It is that on Tuesday, January 21, at 4 o'clock in the afternoon, the Senate shall proceed to vote upon Senate joint resolution No. 78—that being the joint resolution for the proposed amendment to the Constitution rendering ineligible for election one who has once held the office of President—together with all amendments that have been or may be offered to the resolution, without further debate, provided that the mover of any amendment may speak upon it for 10 minutes, and that each other Senator may speak upon it for not to exceed 5 minutes.

I make the last provision because it is our experience that amendments offered after we begin to vote, without the opportunity for explanation, are often misunderstood. I take it for granted that substantially the whole debate upon the joint resolution has already taken place. I ask this unanimous consent because, if it is not granted, I shall feel it my duty to very soon insist upon the continuous consideration of the joint resolution until we reach a vote.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. I presume that request does not preclude the right of discussion between now and the time of taking the vote?

Mr. CUMMINS. Oh, certainly not. We have more than two weeks' opportunity for debate between now and then; the joint resolution will come up every day automatically at 2 o'clock, and any debate that is desirable can go on during the two weeks.

The PRESIDING OFFICER. The Secretary will state the request of the Senator from Iowa.

The SECRETARY. It is that unanimous consent be given that on Tuesday, January 21, 1913, at not later than 4 o'clock p. m., the Senate will proceed to the consideration of the resolution, Senate joint resolution 78, and that before adjournment on that date—

Mr. CUMMINS. That is not the agreement for which I ask, I believe that we ought to fix a definite time to vote, so that Senators can all be here; and, inasmuch as the debate has largely taken place—

The PRESIDING OFFICER. The Chair understands that the request was that the vote be taken without further debate, except that upon an offered amendment the mover might have five minutes in which to discuss the same.

Mr. CUMMINS. That the mover might have 10 minutes and any other Senator not to exceed 5 minutes in which to reply.

The PRESIDING OFFICER. That any other Senator shall have not to exceed 5 minutes.

Mr. HITCHCOCK. Mr. President, I do not quite understand the request of the Senator from Iowa. It seems to me that if this important question is to be taken up on that date, the order should provide that it should be taken up at an earlier hour in the day, say immediately after the morning business.

Mr. CUMMINS. The Senator from Nebraska will permit me to say that the joint resolution will come up every day at 2 o'clock and will be open for debate. It will come up on that day at 2 o'clock and will continue, if any Senator desires to discuss it, until 4 o'clock. I have fixed a definite time for beginning to vote because I know that every Senator wants to be here when the vote is taken, and my observation is that it is a great deal better to fix a definite hour than to leave the matter undetermined.

Mr. HITCHCOCK. We know by experience that that will probably result simply in an active and general discussion confined to the day for which the unanimous consent is given; and it seems to me that two hours debate, from 2 to 4 o'clock,

is too limited. The debate which would occur after 4 o'clock would be almost negligible.

Mr. CUMMINS. I can not agree with the Senator that the debate will be delayed until that time; I think there will be some debate upon the matter between now and then.

Mr. HITCHCOCK. I was going to say—

Mr. CUMMINS. Any Senator will have the right to insist upon the consideration of the joint resolution every day after the morning hour has expired.

Mr. GALLINGER. Mr. President, if the Senator from Nebraska will yield to me—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I do.

Mr. GALLINGER. If the Senator will permit me, I rise to state that I agree with him, and that I think the hour ought to be earlier. It is a certainty that during the next week we shall not have an opportunity to consider the unfinished business, inasmuch as the impeachment proceedings will doubtless continue during that week, and I apprehend that we have no certainty that they will not go beyond the next week. There may not be much opportunity to debate the question between now and the time the Senator suggests. I want very much to accommodate the Senator in his request. I think we ought to take this matter up and vote on it; and I think if the Senator would make the hour 3 o'clock in place of 4 o'clock it would be better.

Mr. CUMMINS. I am perfectly willing to do so. I have no choice so far as the hour is concerned, and if the date I have named is too early I am quite willing to postpone it until another day.

Mr. BORAH. Mr. President—

Mr. HITCHCOCK. Mr. President, it seems to me—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. Mr. President, I do not desire to object to the consideration of the joint resolution or to fixing a time to vote upon it, although I am opposed to the measure; but I should like, if the Senator from Iowa would consent, to have a later date fixed, and I would like very much that we should have the same agreement which we have had heretofore with reference to voting before the close of the legislative day. My experience here has been that when the Senate agrees to vote at a certain hour debate is always cut off before those who desire to participate in it on that particular day have concluded, and especially would I like to have a later date fixed, because I am quite sure I shall not be able to be here at that particular time.

Mr. CUMMINS. Of course, if the Senator from Idaho will not be here upon that day, I am very far from insisting upon fixing that time to vote. Will the Senator from Idaho suggest a day that will be convenient?

Mr. HITCHCOCK. Mr. President—

Mr. MARTIN of Virginia. Will the Senator from Nebraska yield to me?

Mr. CUMMINS. The Senator from Idaho [Mr. BORAH] suggests to me that he would like to have the matter postponed until one of the early days of February. I have no objection to that.

Mr. MARTIN of Virginia. Mr. President, I suggest that the Senator from Iowa—indeed, I request—that he will not press the unanimous-consent agreement to-day. There are quite a number of Senators absent from the city, and I will be much gratified if the Senator will just let this operate as a notice. There are a number of very important and sharp differences about the matter between the four-year presidential term and the six-year term even amongst the advocates of the amendment. I am one of those who will be glad to see something done on the line of the proposition, but I should like very much for the Senator to simply let what he has said operate as a notice and not now press the exact date, in view of the absence of so many Senators from the Chamber. In a few days he can bring up the matter, and I am sure that we shall reach some conclusion that will be satisfactory to him.

Mr. CUMMINS. Very well. I understand, of course, that a request of that kind is equivalent to a command. I very gladly accede to it, and I will say to the Senator from Virginia that very soon—whenever it seems to be agreeable to Senators—I will again ask to have a day fixed to vote upon the joint resolution.

The PRESIDING OFFICER. Then the Senator from Iowa withdraws his request?

Mr. CUMMINS. I withdraw the request at this time.

OMNIBUS CLAIMS BILL.

The PRESIDENT pro tempore. Morning business is closed.

Mr. CRAWFORD. Mr. President, I move that the Senate resume the consideration of House bill 19115, known as the omnibus claims bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Dakota [Mr. CRAWFORD] to the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

Mr. CRAWFORD. Mr. President, I ask that the reading of the amendment to the amendment be resumed. It has only been read in part. I desire to have the reading finished.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the amendment to the amendment.

The Secretary resumed the reading of the amendment to the amendment at the top of page 17 and read to the end of line 12 on page 74.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Myers	Simmons
Bacon	Culberson	Nelson	Smith, Ga.
Borah	Cullom	Oliver	Smoot
Bourne	Curtis	Page	Stone
Bradley	Dillingham	Paynter	Sutherland
Brown	Fletcher	Perkins	Swanson
Burnham	Gallinger	Perky	Thornton
Burton	Hitchcock	Pomerene	Townsend
Catron	Johnson, Me.	Reed	Works
Chamberlain	Jones	Richardson	
Clark, Wyo.	Kern	Sanders	
Crane	La Follette	Shively	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is detained from the Chamber by reason of a slight illness, which illness has been brought upon him by assiduous attention to public business.

Mr. SIMMONS. I desire to state that my colleague [Mr. OVERMAN] is detained from the Senate by illness.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on business authorized by the Senate.

Mr. KERN. I again announce that the Senator from South Carolina [Mr. SMITH] has been called from the city on account of a death in his family.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unable to attend the session of the Senate because of absence from the city.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent from the city on important business.

Mr. PAYNTER. I desire to announce that the Senator from Alabama [Mr. JOHNSTON] is absent on account of illness.

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent from the city for the day.

Mr. POMERENE. I desire to state that the Senator from Arkansas [Mr. CLARKE], the junior Senator from New Jersey [Mr. MARTINE], and the junior Senator from New York [Mr. O'GORMAN] are detained from the Chamber on business of the Senate.

Mr. FLETCHER. I desire to announce that my colleague [Mr. BRYAN] is necessarily absent from the Senate.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names; not a quorum. The list of absentees will be called.

The Secretary called the names of the absent Senators, and Mr. DIXON, Mr. MARTIN of Virginia, and Mr. SMITH of Maryland, answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. CATRON. I desire to state that my colleague [Mr. FALL] is necessarily absent on business of the Senate.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDENT pro tempore. The hour of 1.30 having arrived, the senior Senator from Georgia [Mr. BACON] will please take the chair to preside over the impeachment proceedings.

Mr. BACON took the chair as Presiding Officer.

The PRESIDING OFFICER (Mr. BACON) having announced that the time had arrived for the consideration of the articles

of impeachment against Robert W. Archbald, the respondent appeared with his counsel, Mr. Worthington, Mr. Simpson, Mr. Robert W. Archbald, jr., and Mr. Martin.

The managers on the part of the House of Representatives appeared in the seats provided for them.

The Sergeant at Arms made the usual proclamation.

The PRESIDING OFFICER. The Secretary will read the Journal of the last session of the Senate sitting as a Court of Impeachment.

The Secretary read the Journal of the proceedings of Thursday, December 19, 1912, of the Senate sitting as a Court of Impeachment.

The PRESIDING OFFICER. Are there any inaccuracies in the Journal? If not, the Journal will stand approved.

Mr. Manager CLAYTON. Mr. President, by some inadvertence a document which was admitted in evidence and which it was agreed should be printed in the body of the hearings has not been printed. I refer now to pages 986 and 987. There were three reports which it was agreed should be admitted and printed on page 986—Mr. Merriman's report, Mr. Saum's report, and Mr. Rittenhouse's report. By some inadvertence the Rittenhouse report was not printed in the Record, and I desire, Mr. President, to have that correction made, and that it be now printed in the Record, conformably to the agreement had in the hearing heretofore.

Mr. WORTHINGTON. I had noticed the same omission and intended to make the same request.

The PRESIDING OFFICER. Does the manager desire that the part which has been printed shall be reprinted, or that the document to which he refers shall be added?

Mr. Manager CLAYTON. I ask that it be printed as a part of to-day's proceedings. I think what I have said in that connection will enable anybody who wants to examine the testimony to refer it back to the proper place into which it should be read into the record.

The PRESIDING OFFICER. It will be ordered accordingly. The report is as follows:

[U. S. S. Exhibit 98.]

(J. H. Rittenhouse, C. E., civil and mining engineer, 713, 714, 715 Connell Building, Scranton, Pa.)

SCRANTON, PA., March 30, 1912.

REPORT ON THE KATYDID CULM DUMP.

The culm dump, known as the Katydid, is situated in the Borough of Moosic, Lackawanna County, and State of Pennsylvania. The dump was made during the years of 1888 to 1908, and contained the buckwheat coals that were a waste product until they became marketable, the larger size (No. 1) being the first to be marketed and the others following in order as the years rolled by.

The dump was made in the shape of a crescent to take advantage of good dumping ground. After this was made and the buckwheats in it became marketable, the Katydid owners added a washery to their plant, and not only treated the small sizes as they were made in the breaker but also began to wash this bank, as shown on the sketch where the pile has been nearly cut in two, when they stopped because of the burning of the breaker and washery.

We have made a survey of the dump and find the contents, in cubic feet, to be as below:

Culm (treatable), 3,133,632 cubic feet.....gross tons... 74,081
Slush, 1,344,391 cubic feet.....do..... 31,782

Allowing 70 per cent as the reclaimable amount in marketable sizes, we have 51,856 gross tons. The dotted line, shaded red, is the dump as outlined by the Erie Co. in their sketch, and estimated by them to contain 55,000 gross tons. I found, after making the survey, in talking with Mr. J. M. Robertson, that another section of the pile should be included. This I will have done and included in my supplemental report, which I will make in a few days, after the snow gets melted and the frost has a chance to get out of the ground.

Plate 1 shows how dump is situated with reference to transportation lines. The branches of the Erie and main line of the Erie & Wyoming Valley are shown, and also the "Laurel line," or Lackawanna & Wyoming Valley Railroad, which parallels the Erie & Wyoming for some distance about 100 feet apart. Where these main lines pass nearest to the dump they are seven or eight hundred feet from it, the Lackawanna & Wyoming Valley being the nearer by something over 100 feet, but the branch and tall tracks of the Erie that run to the Consolidated breaker and Katydid are right at the base of this dump.

This being the case, it is more favorably situated to the Erie than to the "Laurel line."

The size of the pile, excluding the slush from the washery, containing only 51,856 gross tons plus an increment of about 5,000 tons from the portion Mr. Robertson says belongs to it, makes it a small proposition, and looking at it from a commercial point of view, it is more valuable to the Erie than anyone else, for the following reasons:

The Erie already has a large breaker and washery annex, known as the "Consolidated," with tracks connecting with the Katydid, so that another washery for this dump would be unnecessary, as by taking this dump material and loading by steam shovel into cars and then taken by rail and small locomotive, it could be delivered at the washery at small cost, in my judgment, as cheaply as by a scraper line in the usual way. There would therefore be no construction cost of a washery to be charged up or separate organization and plant.

One of the main features of a successful washery is a good output, and this means a short life for a small dump; so, unless the operator had several dumps to work, and as fast as one dump played out erect the washery at another, his construction cost and depreciation cost would be excessive, for a washery soon makes junk of the outfit.

Water supply is another item that would make it more favorable for the Erie, as any other party operating would have to have his own separate supply and also separate slush dam. Having their own transportation would add to the profits of the Erie.

As to the "Laurel line." This company could not handle the material in the same way, but would have to put a swinging scraper line at the dump and another from the dump to a point near their tracks, where they would have to erect a small washery and accessories. It would be valuable to them, as they have to buy their fuel, and being in the transportation business, it would help them. At the same time it would be more expensive for them to operate the washery than it would be for the Erie, though they would get their fuel cheaper than at present, provided they could get the dump for a reasonable price.

To an outsider, one not engaged in the transportation business, it would be more expensive than to either of the transporting companies, especially if he had to be tied up by a 65 per cent contract, and for the following reasons: Culm banks made about the same time this was run about 45 per cent to 50 per cent in the different buckwheat sizes.

The bulk of the product is in No. 2 and No. 3. Prices for these the past year, based on the 65 per cent contract, have been for No. 2 55 cents and for No. 3 30 cents. Later in the year 70 cents for No. 2 and for No. 3. If a flat rate of 25 cents or 30 cents per ton for royalty or cost at a purchase had to be taken into consideration, this, with the cost of handling and preparation plus cost of construction to be charged off for depletion and short life of washery, would make it a losing proposition to any individual operating it. The 65 per cent contract, for instance, made a freight charge of \$1.30 tidewater for No. 1 buckwheat and \$1.54 for No. 2.

As to prices paid for culm piles, either by purchase outright or on a royalty basis, flat rate or sliding scale, I have to say that leaving out the recent wild prices paid, due to impending strike conditions, the ordinary prices have been about as follows:

Mr. W. H. Richmond leased his old dump at Dickson City for a flat rate of 42½ cents for everything in the dump. This was largely an old dump, made between 1860 and 1875, and had a great deal of the larger sizes of the steam coals and also rough coal condemned in those days. It is one of the best dumps in the valley and was leased to the Scranton Traction Co. as a fuel proposition. It is not made a washery proposition.

Another dump made by this same Mr. W. H. Richmond, but in later years (1884 to 1895) was leased at a flat rate of 30 cents to the Central City Coal Co. in 1907, and, though favorably situated for local city trade, but no railroad facilities, it was a losing proposition.

The Carbon Hill dump along the Lackawanna & Bloomsburg Railroad and the Lackawanna River, a few miles below this city, sold for practically a cash price of 50 cents per ton in the fall of 1911.

During the past year or so the finer culm, such as would pass through the standard mesh of ½ of an inch, has begun to show market value. This, passed over a ¾ mesh, is successfully used as a fuel at the Oxford mines in this city, and I am informed that the D. L. & W. are using the fine stuff, such as barley coal and finer, very successfully in some of the specially constructed boiler plants. This being the case, what has been in the near past a waste product will probably in the near future be utilized as a fuel without treatment.

If this late waste product is sold instead of having to take care of it and the 65 per cent contract is cut out, it will be a close question as to just what would be a fair flat rate of royalty on this pile. Until such time as I can test the pile for the percentage of the different sizes, I would say from 25 cents to 30 cents per gross ton for the merchantable coal in the bank would be all it would be possible for a selling and non-transporting proposition to bear.

My supplemental report will follow in a short time.

Yours, very respectfully,

J. H. RITTENHOUSE,
Civil and Mining Engineer.

[See pages 960 and 961 for illustrations.]

(J. H. Rittenhouse, C. E., civil and mining engineer, 713-714-715 Connell Building, Scranton, Pa.)

SCRANTON, PA., April 11, 1912.

Mr. WRISLEY BROWN,
Department of Justice, Washington, D. C.

DEAR SIR: I herewith submit my supplemental report on the "Katydid" bank.

Number of cubic feet in the bank, as outlined by the Erie... 3,133,632
Additional dump, making 3 in all..... 681,229

Total..... 3,824,861

Weight per cubic foot=52.9 pounds.
43.3 cubic feet=1 ton of 2,240 pounds.

3,133,632 ÷ 42.3 cubic feet..... Tons. 74,081
681,229 ÷ 42.3 cubic feet..... 16,105

Total..... 90,186

A test of the component parts of the various sizes in the dump I find as follows:

	Coal.	Waste.	Total.
	Per cent.	Per cent.	Per cent.
Sizes above chestnut.....	6.086	2.765	8.851
Pea.....	1.041	.261	1.302
No. 1 buckwheat.....	12.419	.....	12.419
No. 2 buckwheat.....	9.893	.....	9.893
No. 3 buckwheat.....	22.454	.....	22.454
Slush passing through ½ inch.....	.....	45.080	45.080
Slate and rock.....	.....	3.026	.....
Total.....	51.893	48.106	99.999

This, worked out on the basis of values received for the various sizes according to their percentages, would make the dump figure up in gross receipts, \$47,533.

If a ½-inch mesh were used instead of a ¾, as is sometimes done, the per cent reclaimed would be increased by 14.087 per cent, or a total of 65.98 per cent.

Assuming that the bank contains 90,000 tons, we then have the various sizes as below:

	Tons.	
Chestnut and above	5,477 at \$3.25	\$17,800.25
Pea	937 at \$1.78	1,687.86
No. 1 Buck	11,177 at \$1.41	15,759.57
No. 2 Buck	8,904 at 70 cents	6,232.80
No. 3 Buck	20,209 at 30 cents	6,062.70
Total	46,704	47,533.18

If line prices were obtained instead of the 65 per cent basis, then the amount would be increased to some extent.

If what passes through a $\frac{3}{8}$ mesh and over $\frac{1}{2}$ is saved, or 12,678 tons at \$0.30, an increment of \$3,803.40 should be added to the above, or a total of \$51,336.58.

A flat price of 30 cents per ton for the entire dump or 90,000 tons at 30 cents would be \$27,000.

If the Erie worked this dump, it would cost them from 10 cents to 15 cents per ton to get it to their present washery and to separate it. To treat 90,000 tons, it would cost them about \$12,000. A capacity of 300 tons per day would clean up the bank in about one year and realize about \$50,000 for it plus the profit over the actual cost of freight. Deducting the preparation cost and depreciation, it should net them at least \$35,000 plus the freight profit.

If the "Laurel Line" worked it, their conditions would be quite different, for they are not adjoining the dump and have no plant; but,

as it would be a fuel proposition pure and simple. It would not need so much of a plant, and as they consume only about 100 tons a day, the cost of preparation would be greater, or about 20 cents per ton, or \$18,000. This, plus the cost of the bank—\$27,000—would make \$45,000, to which must be added the cost of the necessary plant, or about \$5,000, which would be junk at the end of the operation, which would be in about two years. Another item would be the freight cost from the washery to their plant, which, at less than the usual freight charge, would make the cost just about equal to what their fuel costs them. I think they would break just about even.

To the individual operator selling his product this party, in my judgment, would fare worse than the "Laurel Line," for if he sold his prepared product, he would have to build more of a plant and greater pocket capacity, costing from \$8,000 to \$10,000, and, with the same output of 300 tons per day, have pretty much junk on his hands at the end of the year. I would consider this as a losing proposition.

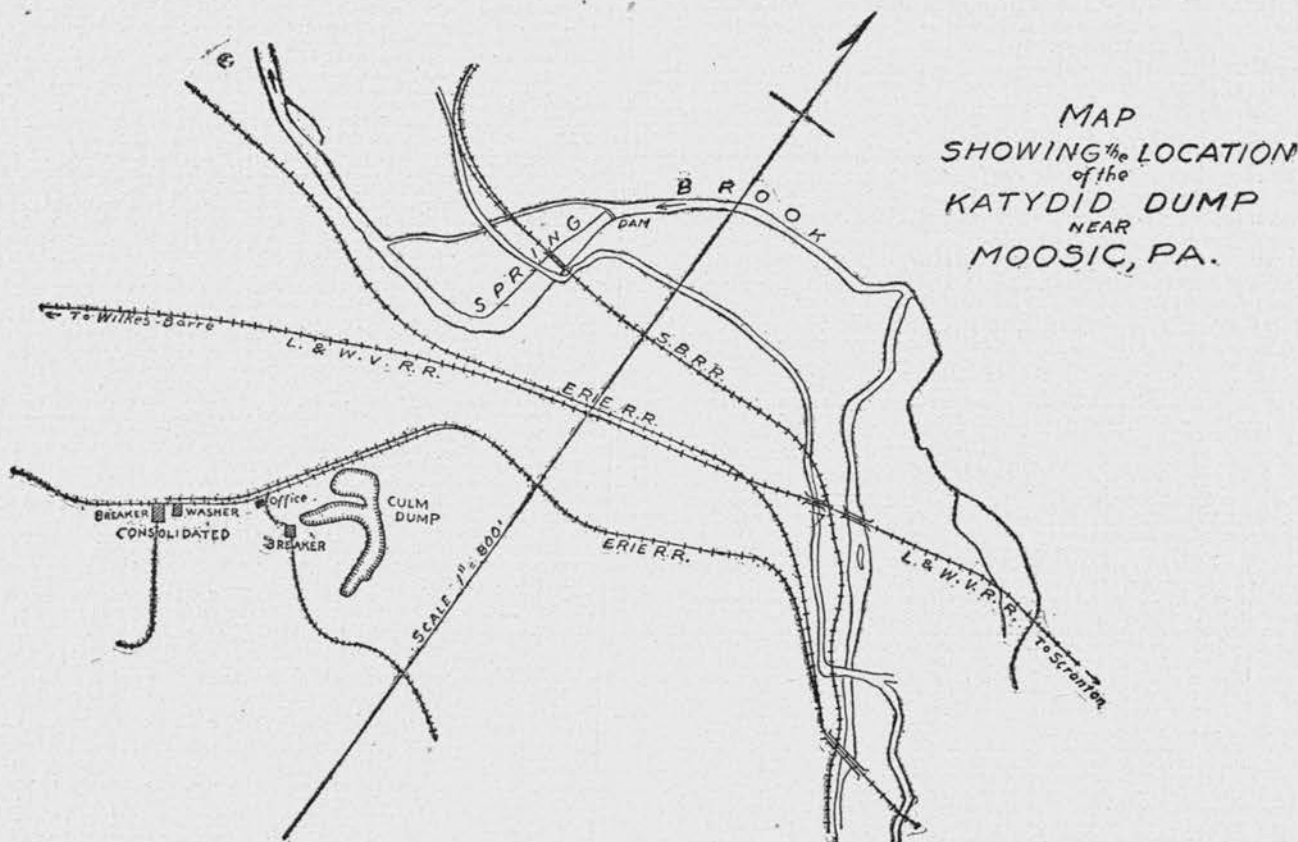
Trusting that I have covered the ground you have outlined for me, I am,

Yours, very respectfully,

J. H. RITTENHOUSE.

RELATIVE TO THE OWNERSHIP OF THE KATYDID BANK OR DUMP.

I find Mr. J. M. Robertson claims a half interest or thereabout in the dump under a term he calls "mining rights." He states he has never had a lease, and that there is no lease to him on record; that his only source of title is from certain letters from the Hillside Coal & Iron Co. and verbal agreements had from time to time relative to the several different parcels which he was given the right to mine. He worked his



plant from 1887 to 1908 under the above agreements. Since the breaker and washery burned, the property has been virtually abandoned.

He claims that most of the coal came from the Caldwell lot, owned wholly by the H. C. & I. Co., adjoining lot No. 46, which is jointly owned by the Everhart estate and the Hillside Coal & Iron Co., and these coals were of course mixed and put on a common dump, said dump being on lot No. 46.

This property was mined and operated for over 21 years, and vouchers made and accepted without question. I understand royalties were paid on "prepared" sizes or for chestnut coal and larger sizes, but no royalty on pea coal and smaller sizes. The relative proportion of the different interests represented in the dump could be determined from the vouchers paid for coal mined from the different tracts.

The Hillside Coal & Iron Co. has given an option for its interest (supposed to be one-half) in the dump, not specifying what that interest is. Mr. Robertson states he thinks his interest should be about the same as that of the company, but has given an option for a less amount than that given by the company, which I am informed is for \$5,000.

The Erie Co. could possibly go ahead and put this coal through their washery and no questions be raised, yet this may not be possible. The Everhart estate, owning an individual one-half interest, gets no payment for the small sizes. Coal from other lands has been dumped on land in which they have a half interest in the surface and coal, and since the question of ownership has been raised they would quite likely have something to say.

I find on investigation that there is no lease recorded from the Everhart to the Hillside Coal & Iron Co. and that they never had any, nothing more than a letter, which can not be found. This may account for Mr. Robertson having similar conditions to work under.

In order to determine the exact conditions, a detailed investigation would have to be made, not only as to the title, but also as to the proportions due each. I am informed that negotiations are under way to

get the tangle straightened out, but with the small amount involved, and the numerous heirs, making the amount due each small, there is not much likelihood of its being pushed with vigor.

J. H. RITTENHOUSE.

[See pages 962, 963, 964, and 965 for illustrations.]

The PRESIDING OFFICER. Is the respondent ready to proceed?

Mr. WORTHINGTON. Yes, Mr. President. We will recall Mr. Brownell.

TESTIMONY OF GEORGE F. BROWNELL—RECALLED.

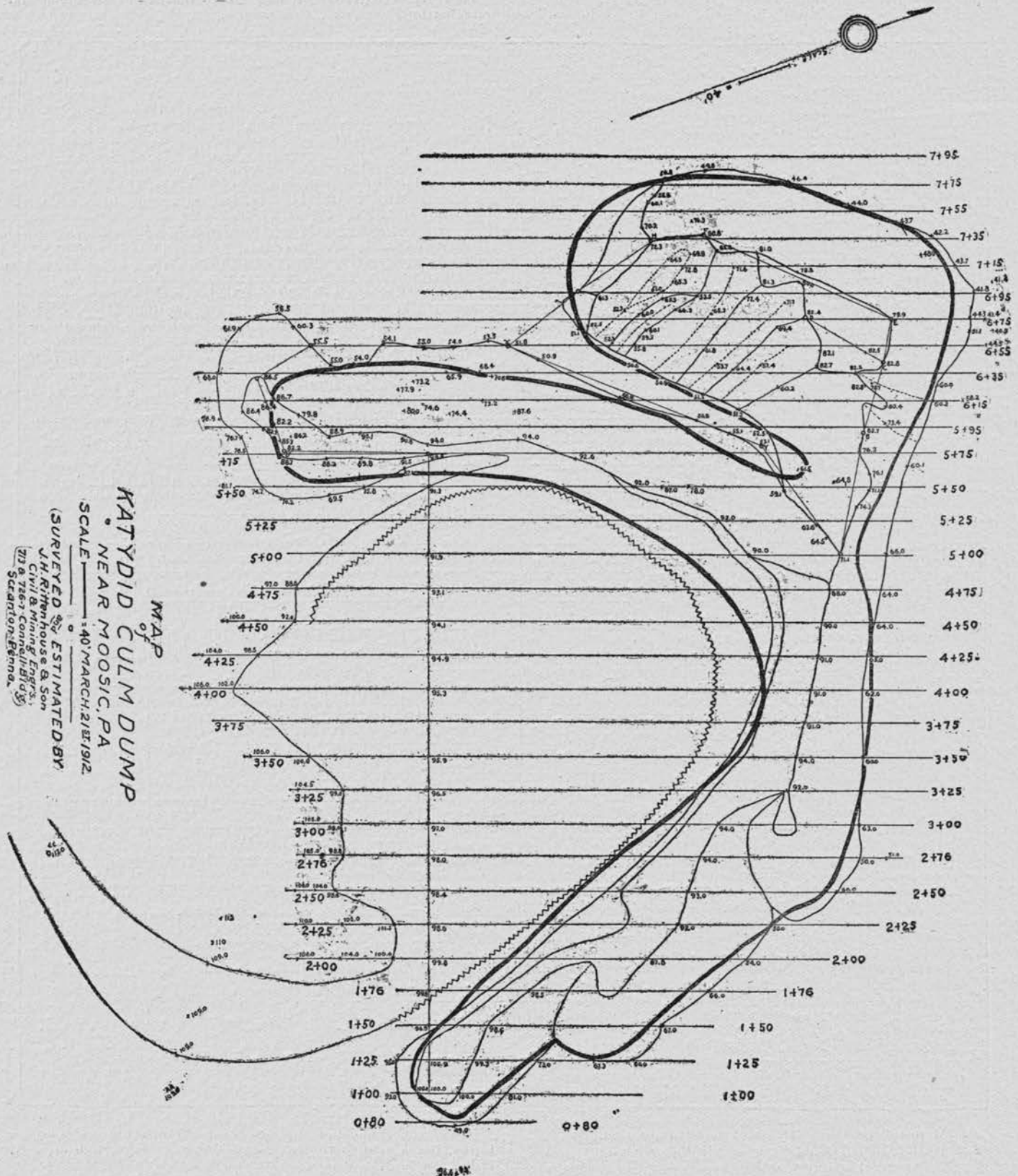
George F. Brownell, having heretofore been duly sworn, being recalled, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) I have called you back for the purpose of asking you one question, and that is to what extent, if at all, did you hear anything about the result of Judge Archbald's visit to Mr. Richardson when you took him to Mr. Richardson's office and left him there; what, if anything, did you hear about the matter after that, until after these charges against Judge Archbald became a matter of newspaper publication?—A. I knew nothing of what occurred between Mr. Richardson and Judge Archbald or as to the result of their conversation until some time in the following May, when I had a talk with Mr. Richardson and about the same time with Capt. May. That was subsequent to the institution of the inquiry before the House Judiciary Committee, and this was just prior

to the occasion when I and Mr. Richardson requested that we be given an opportunity to appear before that committee and make a statement. Preliminary to that Mr. Richardson accompanied me there, leaving a sick bed for the purpose, and told

me what occurred. That was the first information I had in regard to it.

Q. Between the time you took Judge Archbald to Mr. Richardson's office and left him there, as you have already testified,



and the conference you had with him in May, shortly prior to the inquiry before the Judiciary Committee, had you heard about the matter from any source?—A. Not subsequent to the 4th day of August, until a date about the middle of April, when

my attention was called to some newspaper articles, when I was in the West, making reference to it; but I had no information or conversation with anyone with respect to what occurred between Mr. Richardson and Judge Archbald or the re-

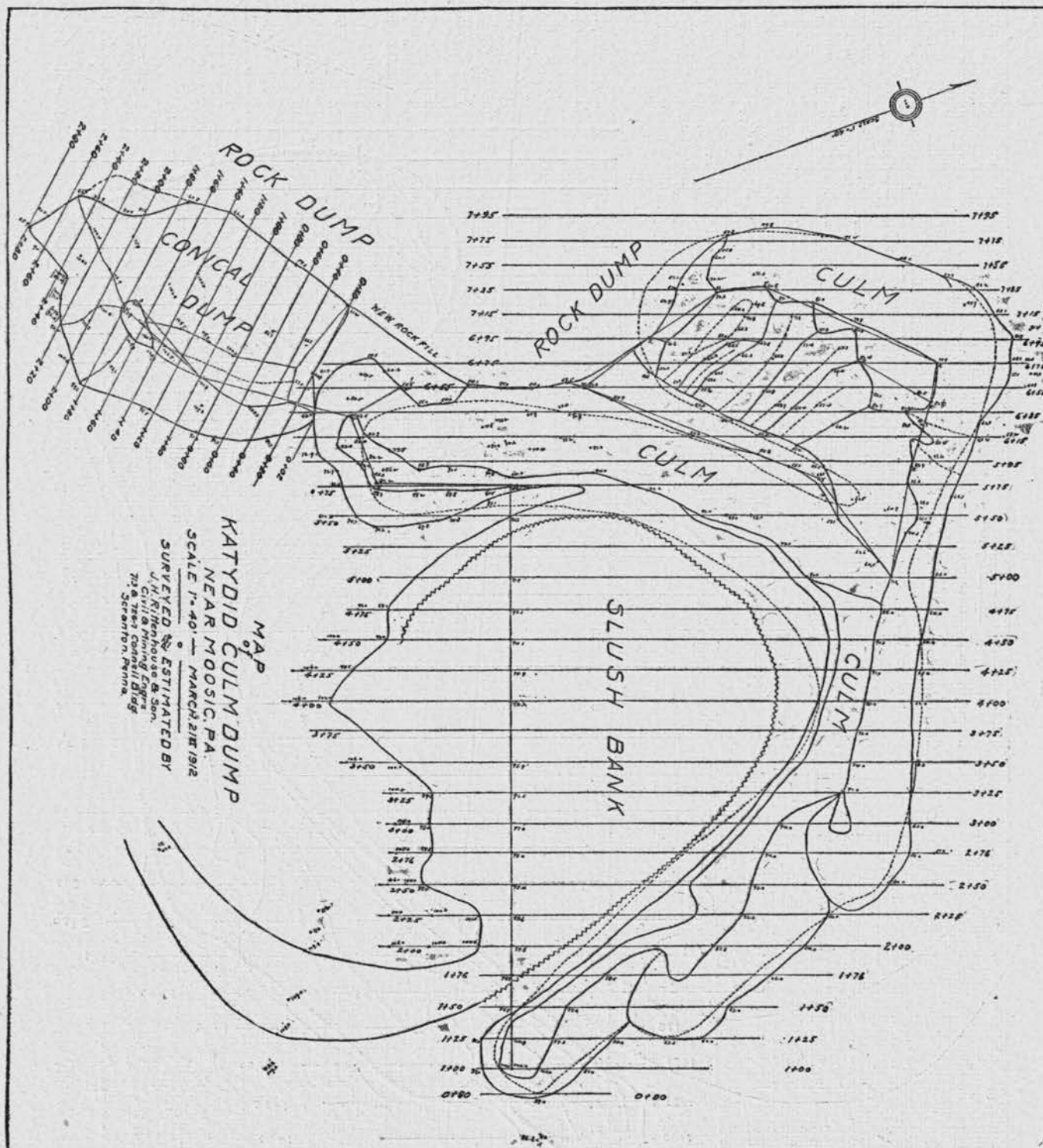
sults of it; but subsequent to the middle of April I did have conversation with various people as to what information I had had myself.

Q. I do not care to ask you about anything that happened after the newspaper publications.—A. I was trying to make a distinction between the time in April, when I saw newspaper

reports, and the time in May, when I had a conversation with Mr. Richardson and Capt. May in regard to what occurred between them.

Mr. WORTHINGTON. That is all, gentlemen.

The PRESIDING OFFICER. Have the managers any cross-examination?



Mr. Manager HOWLAND. No cross-examination.
Mr. WORTHINGTON. We will call Judge Knapp.

TESTIMONY OF MARTIN A. KNAPP.

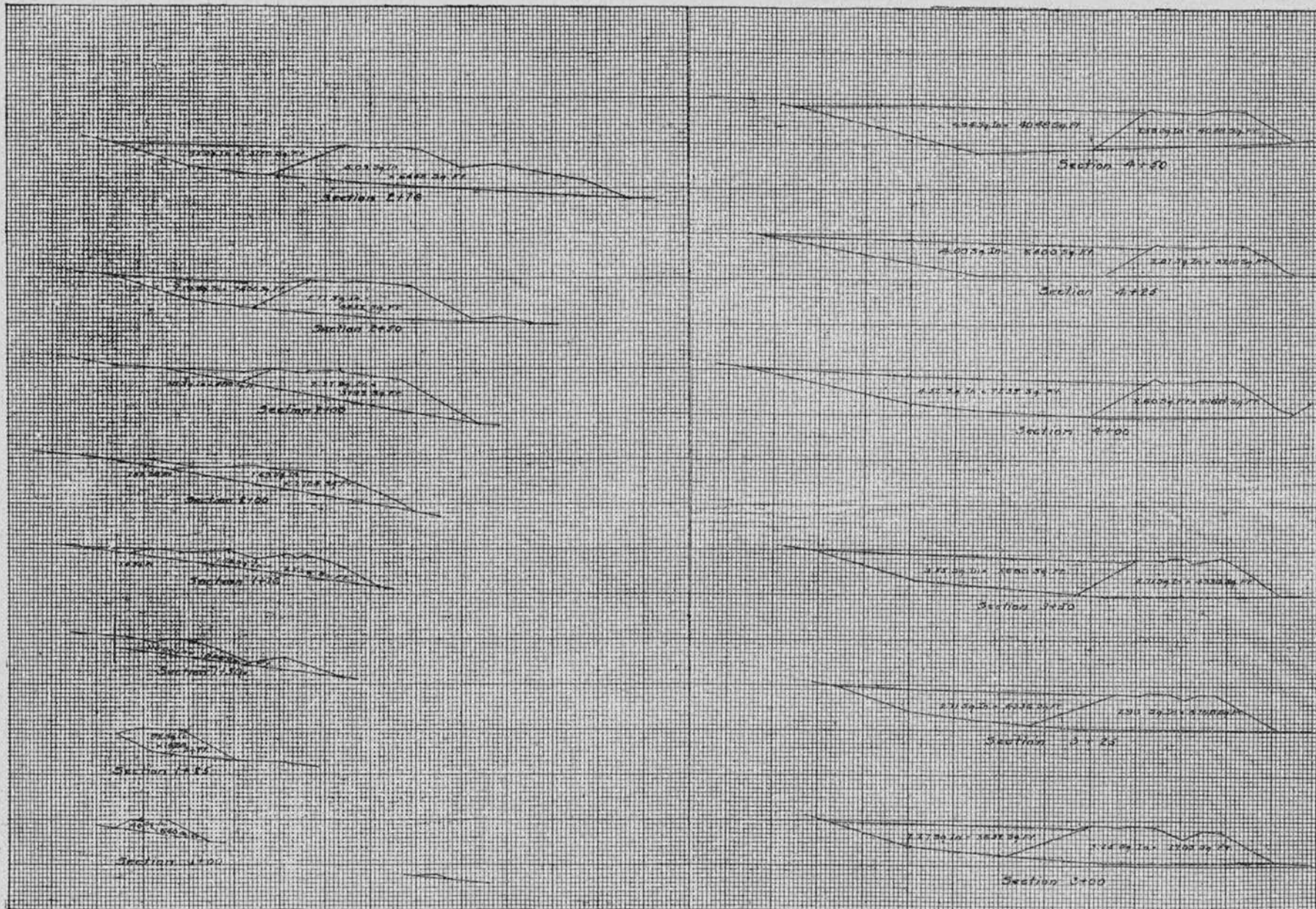
Martin A. Knapp, being duly sworn, was examined and testified as follows:

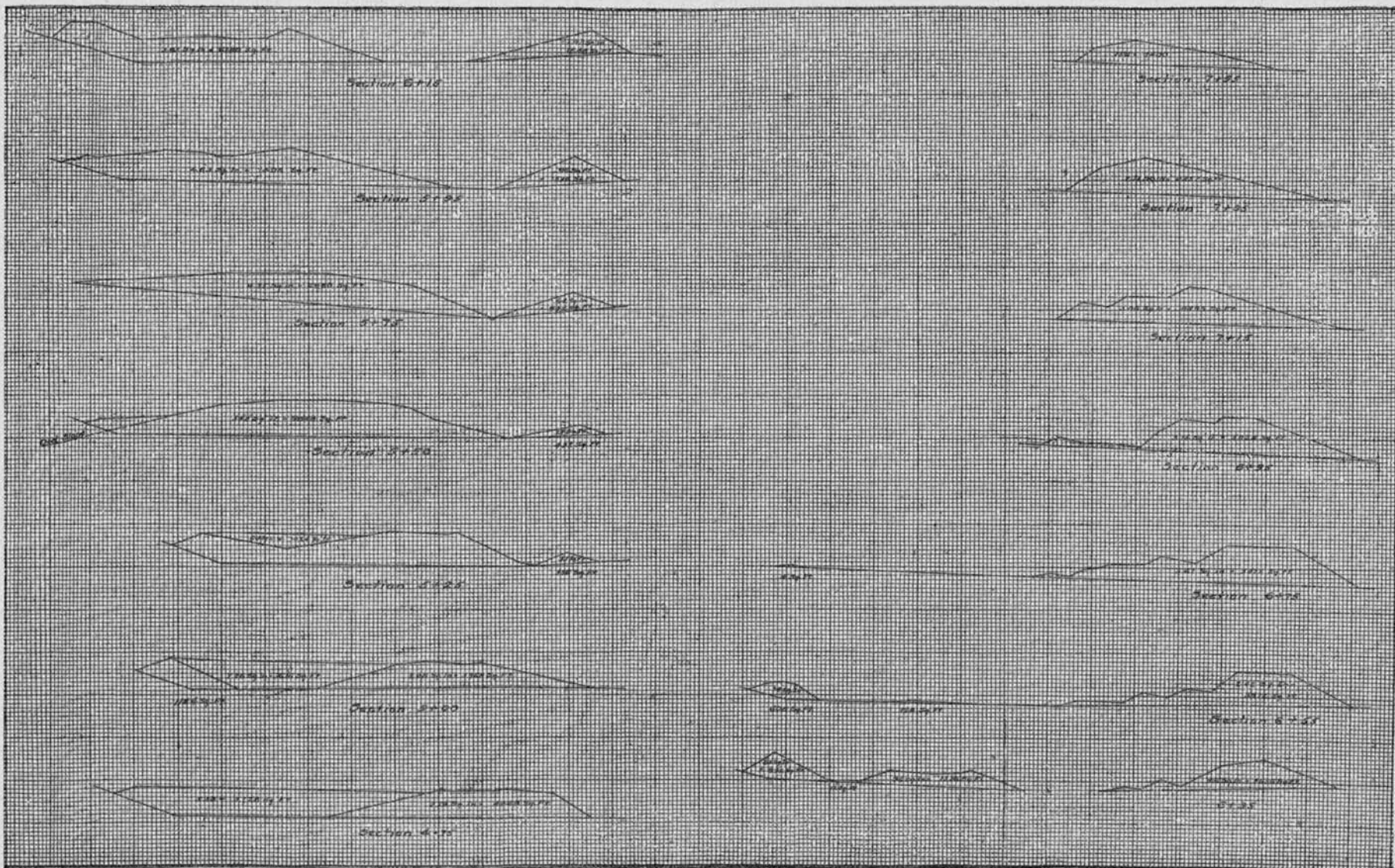
Q. (By Mr. SIMPSON.) You are the president judge of the Commerce Court, and have been since its creation, have you not?—A. I have.

Q. Do you remember the case of the Louisville & Nashville Railroad Co. against the Interstate Commerce Commission?—A. I do.

Q. I hand you a printed copy of the opinion of the Commerce Court in that case. Will you kindly indicate the portion of that opinion which was written by you?

Mr. Manager NORRIS. I did not hear the question. I should like to hear it.





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Example 1-40

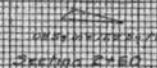
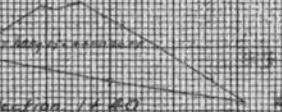
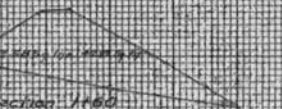
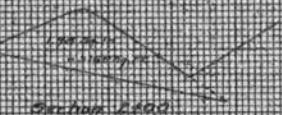
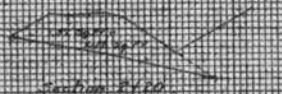
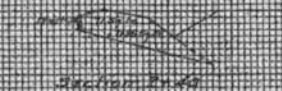
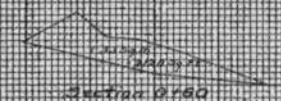
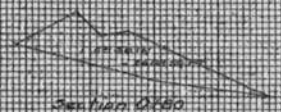
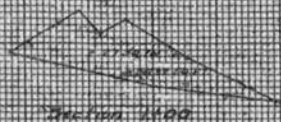
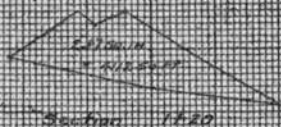
CONFIDENTIAL

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CROSS SECTIONS
OF
KATYDID GULM DUMP
MOOSE PENNA

Scale 1" = 40' — March 27th 1912

L.H. Rittenhouse & Son
Civil & Mining Engrs.
1136 12th St. Corneill Bldg.
Scranton, Pa.



ESS 4/10/20

The PRESIDING OFFICER. The Reporter will read the question.

The Reporter read as follows:

I hand you a printed copy of the opinion of the Commerce Court in that case. Will you kindly indicate the portion of that opinion which was written by you?

Mr. Manager NORRIS. We object to that as immaterial.

The PRESIDING OFFICER. The counsel will please indicate the purpose for which the testimony is offered.

Mr. SIMPSON. The Presiding Officer will recall that the managers introduced evidence here showing various letters written by Judge Archbald to Mr. Bruce and the replies made by Mr. Bruce to Judge Archbald in connection with this particular case. Those letters referred to two certain questions. The inference growing from the article of impeachment is that Judge Archbald obtained information in relation to these two particular matters, which particular information thus obtained found its way into the opinion of the court as the result of that correspondence.

We propose to prove by the testimony of Judge Knapp that the parts of the opinion which related to that matter were written by him and not by Judge Archbald, and that he had no knowledge at all in relation to that correspondence.

Mr. Manager NORRIS. Mr. President, the contention of the managers has not gone to the extent that counsel has indicated. I think it is immaterial even what was the decision of the court in the case. It is certainly immaterial who wrote the opinion.

The charge made in this case is that Judge Archbald invited one of the attorneys to file practically a brief, to reargue or at least to argue some of the propositions involved. That is as far as we go. We think that is improper and a misbehavior. Now, how the case finally terminated or who wrote the opinion we think entirely immaterial, as far as the conduct of Judge Archbald is concerned in the particular charge we make.

Mr. SIMPSON. If the managers, sir, disclaim that the writing and the receipt of those letters had anything to do as affecting the opinion of the court in that case, then, of course, this evidence becomes immaterial.

Mr. Manager NORRIS. We will not disclaim that.

Mr. SIMPSON. Very well. Then, that being so, I have the right to show, I submit, sir, that the writing and receipt of those letters had nothing to do with the opinion in the case, because Judge Knapp himself wrote that portion of the opinion, and he had never heard of the letters.

The PRESIDING OFFICER. Does counsel propose to go further and show that no other judge other than Judge Knapp was instrumental in arriving at that conclusion?

Mr. SIMPSON. I propose to show that no other judge than Judge Knapp had anything to do with writing the opinion which related to these two subjects matter.

The PRESIDING OFFICER. The inquiry of the Presiding Officer was whether counsel proposed to go further and show that no other member of the court had anything to do with the conclusion arrived at by the court.

Mr. SIMPSON. I do not see, sir, how I could go to that extreme, because there are five judges of the court, and it was necessary, of course, that at least three of the judges should coincide in the judgment attained. But we do propose to show that no other judge of the court had any knowledge of any kind of these letters, and that Judge Knapp, who wrote that part of the opinion, which related to those subjects matter, never heard of the letters.

The PRESIDING OFFICER. The Chair is of the opinion that the evidence is not material to the charges made in the articles of impeachment. The decision of the Chair is always subject to the higher decision of the Senate, if the Chair is in error.

Mr. SIMPSON. My colleagues seem to think that I have not made clear to you, sir, that none of the other judges knew of the writing or receipt of those letters. I thought I had made that clear. My colleague, Mr. Archbald, calls my attention to the fact that in the opening by Mr. Manager CLAYTON this language was used. I read from page 104 of the record:

On February 28, 1912, this case was decided by the Commerce Court in favor of the railroad company. Judge Archbald wrote the opinion of the majority, which followed the views expressed by Bruce, and Judge Mack dissented. The attorneys for the Interstate Commerce Commission and the United States were given no opportunity to examine and answer the arguments.

And so forth.

The PRESIDING OFFICER. The Chair understands the charge to be one of personal impropriety, official impropriety on the part of the respondent, and the Chair does not think this material evidence.

Mr. SIMPSON. Under the ruling of the Chair there is no need for the further retention of this witness, sir.

Mr. HITCHCOCK. Mr. President, I should like to have this question propounded to the witness.

The PRESIDING OFFICER. The Senator from Nebraska desires a question propounded to the witness, which the Secretary will read.

The Secretary read as follows:

Did Judge Archbald communicate to you or to other members of the court sitting in conference on this case the fact that he had communicated with one of the attorneys in the case and received from him certain argument or information relating to the case?

The WITNESS. He did not.

The PRESIDING OFFICER. The witness may retire.

Mr. WORTHINGTON. We will call Mr. Hill.

TESTIMONY OF FRANK A. HILL.

Frank A. Hill, being duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) Where do you live?—A. Pottsville, Pa.

Q. What is your business?—A. Coal.

Q. In what way are you or have you been in the coal business?—A. I have charge of the mining department of the Madeira, Hill & Co.

Q. Did the Madeira, Hill & Co. have anything to do with what is known as the Oxford dump, which has been referred to here?—A. Yes; they operate the washery of the Oxford Coal Co.

Q. How long ago did they begin that operation?—A. I do not know. I have known of it for four and one-half years.

Q. In connection with the operation of the Oxford dump, did you at any time have occasion to consider making application for a lease of what is known in this case as the Packer No. 3 dump, belonging to the Girard estate?—A. Yes, sir.

Q. There is a letter in evidence in this case on page 659; you are familiar with that letter?—A. It is my letter of March 26.

Q. Your letter of March 26 to Mr. Warriner?—A. Yes.

Q. Relating to No. 4?—A. No. 4 bank.

Q. And No. 2, at the end of the letter?—A. A proposition to work No. 4 and a mention of No. 2.

Q. I wish you would go ahead and state what you had to do, if anything, in connection with any project for getting No. 3, the one that is involved here; how that arose.—A. In September, 1911, Col. James Archbald, the engineer of the Girard estate, called my attention to that bank and the possibility of our operating it. I looked it over very casually and made an application to the Girard estate for it.

Q. And when you looked it over were you in company with anybody else?—A. Mr. Archbald, Mr. Weller, and Mr. Klock, of Shenandoah.

Q. Who is Mr. Weller?—A. Mr. Weller is inspector for the Girard estate.

Q. After you had looked it over, you say you made an application for No. 3?—A. To the Girard estate; yes, sir.

Q. Go on, then, and tell the story along until Judge Archbald gets into it.—A. We learned from the Girard estate it was their purpose not to make any change in their lessee, and the matter dropped.

Q. You are familiar, of course, with the Oxford dump that your company has been washing for several years?—A. Very.

Q. Have you made an examination of Packer No. 3 dump?—A. I would not call it an examination. I walked over the top of the bank.

Q. Had you any thought of making an application for No. 3 Packer, the one involved in this case, until Col. James Archbald made an application?—A. I had not.

Q. Did he give you any reason for making the application, anything as to the probability of its being operated by the Lehigh Valley or by the Girard estate itself?—A. He created the impression in my mind that he thought the Lehigh Valley would not operate it.

Q. Do you remember when it was that you made that application?—A. The formal application was made in November, 1911.

Q. Was that in writing or verbal?—A. It was in writing.

Q. Have you a copy of it with you?—A. I have.

Q. I should like to see it, please.

(The paper was produced and handed to counsel and then to the managers.)

Mr. Manager WEBB. What is the purpose of this letter, Mr. Worthington?

Mr. WORTHINGTON. The purpose is to finish out the story which was started by the managers. The managers themselves put in evidence the application that was made by Madeira, Hill & Co. to Packer No. 3, and that with the application of

Madeira, Hill & Co. to Judge Archbald and his associates are referred to in the proceedings of the Girard estate. I think we ought to be able to complete what they began and make the argument afterwards. We found on the page I have already referred to the application of this company for two of these dumps.

Mr. Manager STERLING. On what page?

Mr. WORTHINGTON. On page 659. The application dated March 26, 1911, made by this company—Madeira, Hill & Co.—to Warriner was put in evidence by the managers, and also the answer given by Mr. Warriner on behalf of the Lehigh Valley Coal Co.

Mr. Manager WEBB. I have no objection to the letter going in for what it is worth.

Mr. WORTHINGTON. Very well. Let it be marked, and let the Secretary read it, please.

The Secretary read as follows:

[U. S. S. Exhibit BB.]

OXFORD, November 27, 1911.

Mr. GEORGE E. KIRKPATRICK,
Superintendent Girard Estate, Philadelphia.

DEAR SIR: As you are aware, the amount of coal that still remains in the Oxford bank is being rapidly depleted with the large tonnages that we are putting out, and the consequence is that it would appear that we have hardly a year's work still before us, providing the present rate of output is continued. At the exhaustion of this bank, if there are no further supplies for us in the way of coal, the plant will go to pieces, and as it has paid large royalty to your estate and no profit to us as operators so far we are extremely anxious to prolong the life in the hopes of getting remuneration and a return on our investment.

A year or so ago we informally spoke to you and made application for the No. 4 Packer bank, if that could be obtained by release from the Lehigh Valley Coal Co., and we now also desire to make further application and enter a specific one for the No. 8 bank, which we understand is not being operated and does not now look as if it would be by the present tenants.

While this bank is not so desirable as the No. 4, it would temporarily enable us to keep our operation going until some other decision might be reached by your board or some other coal found available with which to feed our plant.

This No. 3 bank we could arrange to handle through our Oxford plant, and as our necessities in the way of supplies are getting to be so urgent, I beg to ask your consideration of this application as soon as the matter is one which you can take up. We think the Lehigh Valley Coal Co. would release this bank, as we can not see that it is of any interest to them. The No. 4 bank would be more desirable and convenient for us, and we hope eventually that our application for this may be considered favorably also.

Very truly, yours,

President.

Q. (By Mr. WORTHINGTON.) Mr. Hill, how, if you know, did the royalties which you were paying on this Oxford dump, and to which you referred in that letter, compare with the royalties generally that the Lehigh Coal Co. was paying?—A. They were lower.

Q. Are you able to make any comparison between No. 3 and the Oxford dump?—A. In what way?

Q. As to which was the more valuable?—A. It would be only an impression.

Q. It is an opinion based on your own experience of it?—A. It is an opinion based on observation of the outside of the bank.

Q. Well, what is your opinion based upon that?—A. I think 4 is a better bank than 3.

Q. You think No. 4 is better than No. 3?—A. I think so.

Q. There are two No. 4s, I suppose you know.—A. I speak of Big 4 and Big 3.

Q. My question related to a comparison between Oxford and No. 3.—A. I think Oxford and No. 3 are about the same. I know the Oxford bank thoroughly and I only saw No. 3 from the outside.

Q. Did you get any reply to the application which has just been read?—A. Verbally, I think; no written reply.

Q. What was it?—A. That it was the intention of the Girard estate not to change their lessees—not to take the bank from the Lehigh Valley.

Q. Do you remember that anything was said about their waiting until new leases were made, the lease of the Lehigh Valley then being about to expire?—A. Nothing positively.

Mr. WORTHINGTON. That is all.

Cross-examination:

Q. (By Mr. Manager WEBB.) Mr. Hill, did you know at the time you made the application which has just been read from the desk, dated November 25, 1911, that Judge Archbald had also made application for Packer No. 3 and had obtained the consent of the Lehigh people for it?—A. I think I knew he had made application, but I knew nothing beyond that.

Q. Did you know he had obtained the consent of the Lehigh people to release it?—A. I did not.

Q. Your investigation of Packer No. 3 extended only to merely walking over it?—A. That is all.

Q. And for those reasons you think the Oxford and Packer No. 3 are about the same in quality?—A. I do.

Q. That is the only means of ascertaining the quality of No. 3 that you used, just looking at it?—A. That is all.

Mr. Manager WEBB. That is all.

Mr. WORTHINGTON. That is all.

The PRESIDING OFFICER. The witness may retire. He is excused.

TESTIMONY OF HENRY J. WELLER.

Henry J. Weller appeared and, having been duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) Where do you live?—A. Girardville, Schuylkill County, Pa.

Q. What is your occupation?—A. Mine inspector for the Girard estate.

Q. How long have you been mine inspector for that estate?—A. Ten years.

Q. And in a general way your duties are what?—A. To see that the coal is mined out as thoroughly as possible; to get all the benefits from all the coal on the estate as thoroughly as possible.

Q. To keep things moving, eh?—A. Yes, sir.

Q. Do you have any particular acquaintance with the dump known here as Packer No. 3 and the other Packers?—A. I know them well.

Q. What way have you for being so well acquainted with them?—A. We have been at them frequently and tried to get them worked. We have been trying to get them worked, so as to get the coal reclaimed that was contained in those banks.

Q. I would like to know what you have had to do with the negotiations, as we know here, what went on for the purchase or leasing of Packer No. 3 dump, both on the part of Madeira, Hill & Co. and Judge Archbald and his associates.—A. The eastern No. 4 bank was going to be covered by a new rock bank that they were making at Packer 4.

Q. I will ask you to go back to the map and show the location of these Packer dumps and the Oxford dump. You will find a pointer there. Please stand to one side a little and indicate the positions so that all may understand them.—A. The Lehigh Valley Coal Co. worked Packer 4.

Q. Where is that?—A. It is located there [indicating]. They put a trestle across the Ashland branch of the Lehigh Valley Railroad and were making a big fill of rock between the creek and the railroad. That fill of rock is extending east and getting around that bank.

Q. Before you go on, please indicate where the Oxford dump is.—A. This is the bank [indicating]. This is the washery.

Q. Where is No. 3?—A. No. 3 is just a little to the east of Eastern Packer No. 4.

Q. Where is eastern No. 4?—A. Right there [indicating].

Q. Where is No. 4 proper?—A. No. 4 proper is here [indicating].

Q. Where is No. 2?—A. No. 2 is here [indicating] on the extreme west end.

Mr. POMERENE. Mr. President, one of the Senators the other day called attention to the indefinite manner of this testimony as it appears in the record when referring to a map or plat. The witness is referring to this point here and that point there in such a way that the record will be entirely unintelligible.

The PRESIDING OFFICER. The counsel for the respondent will please note the suggestion of the Senator from Ohio and endeavor to remedy the difficulty by the character of the questions propounded to the witness.

Q. (By Mr. WORTHINGTON.) To begin again, in what way is what is called the Oxford washery named on this map?—A. This is the Oxford washery [indicating].

Q. The name Oxford washery is used there?—A. Yes, sir.

Q. As to Packer 4 dump, what is the legend on the map?—A. We call this west No. 4 bank [indicating].

Q. That is the legend on it?—A. Yes.

Q. The legend on Packer No. 3 is what?—A. Packer No. 3 colliery bank.

Q. And eastern Packer 4?—A. Eastern Packer 4.

Q. You referred to a creek. How is that named?—A. The Shenandoah Creek.

Q. It is so named on the map?—A. Yes, sir.

Q. Go ahead with the story.—A. They built a trestle across the Ashland Branch, and so filled this place between the creek and that bank.

Q. Between the creek and what bank?—A. Between the creek and Packer 4 eastern bank. This rock fill will eventually surround that bank. So we were anxious to try to have whatever coal was in there reclaimed before they would cover, and we asked the engineer of the Girard estate to take it up with Mr.

Frank A. Hill, or the manager of the Oxford washery, to see what they could win, inasmuch as the bank was not very large.

Q. You asked the engineer of the Girard estate. Who was he?—A. James Archbald, jr.

Q. To take it up with the Oxford washery people and see whether they would not take that?—A. Yes, sir.

Q. Very well; go ahead.—A. The bank was not a very rich bank. The Lehigh Valley Coal Co. tried to work into Packer 4. They tried it first in 1903, next in 1904, next in 1906, and next in 1907. In the whole time they only took about 300 cars. The colliery people objected to the condition of the material, and every time they stopped working it.

Q. They could not use it?—A. They could not use it.

Q. Go on.—A. Mr. Hill asked the engineer of the Girard estate to make an estimate showing how much coal was in that bank.

Q. What bank?—A. Eastern Packer 4 bank, with a view of seeing whether it would be worth his while to try to work it. In the meantime this other matter came up.

Q. What other matter?—A. The Archbald matter. In the meantime they applied to the Lehigh Valley, as I understand, for that bank and for Packer No. 3 bank, and Mr. Hill never made his application to the Lehigh Valley Coal Co.

Q. He never made his application?—A. Not for that bank.

Q. Not to the Lehigh Valley Coal Co.?—A. No, sir. Mr. Hill did make application for west Packer No. 4 bank. That was a year or two previous.

Q. Did you go on Packer No. 3 at any time with James Archbald?—A. I went on Packer No. 4, on the culm bank, with James Archbald.

Q. How far is that from Packer No. 3?—A. They are very close, only a few feet dividing them at the base of the bank. It is the same bank. We made some tests to show the quality of coal contained in it and we found a fairly good piece of bank in quality, but surrounded by a later bank, a rock bank. Can you see that encircling it [indicating]?

Q. Around where?—A. It starts there [indicating] and goes around and comes through here [indicating], encircling all the east, south, and southwest side of the bank. So the good part of the bank is surrounded by a poor bank, a rock bank, which contains very little coal.

Q. So you have to get the poor stuff away to get at the good?—A. We can not get it without that.

Q. You say you made an estimate?—A. Yes; we made tests.

Q. Who are "we"?—A. I had men working with me and doing it. The tests were made under my supervision.

Q. Was that report reduced to writing so that we can see what the result was?—A. Yes, sir.

Q. Where is it?—A. I have a copy of it. It is in my pocket. [Producing paper.]

Q. We would like to have it. That is the test of Packer No. 3?—A. Yes, sir.

Mr. WORTHINGTON. I should like to have this paper read at the Secretary's desk.

The Secretary proceeded to read the paper.

Mr. WORTHINGTON. I am reminded that it is already in evidence, and I do not care about having it repeated.

Mr. Manager WEBB. There is no necessity of repeating it.

The PRESIDING OFFICER. The stenographer will please omit what has been read.

Q. (By Mr. WORTHINGTON.) Can you give us any information as to whether Packer No. 3 dump could have been worked economically, paying more than the royalties which had to be paid to the Girard estate?—A. In my opinion, not.

Q. Why?—A. We were being surrounded by this rock bank which made it inconvenient to get at the good material which was contained in a portion of the bank.

Q. Aside from the expense of getting at the good material, what was the average product or quantity of coal in the whole dump as compared with the total mass?—A. About 44 per cent.

Q. To what extent can a dump with only 44 per cent be worked economically?—A. If it was a bank that contained 44 per cent coal and did not contain much large rock, it could be worked profitably, but a bank containing much rock, where the large rock was dumped indiscriminately with the finer dirt containing coal, it would make it unprofitable to work.

Q. You would apply that latter proposition to Packer No. 3?—A. I certainly would.

Q. From your knowledge of it?—A. Yes.

Q. Do you know anything about a part of this dump contained in this Packer No. 3 having been put into the creek?—A. About a year or two previous to the time the leasing was taken up they were filling where this new rock dump is now being put in. They were filling in with ashes and silt from the

breaker and from the boiler house. To stop that from getting into Shenandoah Creek they took thousands of cubic feet and dumped it all along the creek for a fill, losing that much indefinitely, because it can never be regained from the ashes that were put behind it.

Q. They took thousands of cubic feet from what bank?—A. From eastern Packer 4 bank.

Q. Do you know anything about a part of that No. 3 going into a mine and being lost in that way?—A. Yes. There was a large quantity of No. 3 bank taken down into the mine by the mining underneath. As those mine openings caved in, it took thousands of cubic yards of Packer No. 3 into the mine, where it can never be regained.

Q. You notice mark "A" on the map. Can you see it?—A. Yes, sir.

Q. You know what it is?—A. Yes, sir.

Q. Do you know anything about taking a part of bank 4?—A. Yes, sir. The Lehigh Valley Railway Co. wanted to straighten their main track. The bank, or a part, which belonged to Packer No. 3 colliery, was on the northern side of the Ashland branch of the railroad. The Girard estate agreed with the Lehigh Valley Railroad that if the Lehigh Valley Coal Co. would take that dirt into the breaker and reclaim the coal contained in it, there would be no objection to straightening out their tracks, or if they would pay for the coal contained in the dirt bank they could leave the bank there and use it still to straighten out their track. So the Lehigh Valley Railroad Co. agreed with the Lehigh Valley Coal Co. that they would load that material into railroad cars and deliver it to the breaker free of charge if they would open up their breaker and reclaim the coal; the Girard estate would get the royalty and they would not need to pay for it and leave it lie on the ground. After trying three or four times to get this coal worked, the coal company every time objected to it on account of some rock contained in it. They finally abandoned it, and the Lehigh Valley Railroad Co. paid for 19,500 tons of coal in that bank, and left it underneath their railroad. Yet that was a much better bank than the other Packer No. 3 bank.

Q. You are familiar, of course, with the Oxford bank?—A. That is one of our collieries.

Q. That is one as to which you made inquiries?—A. Yes; it is one of the Girard estate banks.

Q. How does that compare with Packer No. 3?—A. It is about equal.

Q. It is just about the same?—A. Yes, sir.

Q. You told me that the percentage of coal in this Packer No. 3 is about 44.—A. About 44.

Q. Was that equally over the whole dump or were parts higher and parts lower?—A. That was the average. The northwest corner was the better and the southern and eastern sides the poorer.

Q. Where the rock is?—A. Yes, sir.

Q. Now, about eastern No. 4, with respect to ashes.—A. Eastern No. 4 had a lot of ash scattered over the bank and through the bank. That was why we questioned if anyone could work that. That was one objection the Lehigh Valley Coal Co. always found. When they took into the breaker the ashes it could not be separated from the coal.

Q. It is harder to separate ashes than other material from coal?—A. It is one of the hardest things to take from coal.

Mr. WORTHINGTON. That is all.

Cross-examination:

Q. (By Mr. Manager WEBB.) How long have you been associated with the Girard estate?—A. Ten years.

Q. Have you ever been associated with the Erie Railroad Co., or the Lehigh Valley, or the Philadelphia & Reading?—A. I formerly worked for the Lehigh Valley Coal Co. before I worked for the Girard estate.

Q. Immediately before?—A. Immediately.

Q. Col. James Archbald is a nephew of Judge Archbald, is he not?—A. Yes, sir.

Q. And he knew all about this bank that you now know?—A. Yes, sir.

Q. No. 3 and No. 4?—A. Yes, sir.

Q. Which the Lehigh Valley people consented to let Judge Archbald have. He knew all that you knew about it?—A. I would not say that he was as thoroughly familiar with it, because he did not get over the ground as often as I did.

Q. Did he not make this report?—A. Yes, sir.

Q. And filed it with the Girard estate, showing that eastern Packer No. 4 had 48,000 tons of coal in it?

The PRESIDING OFFICER. As that report is a matter of evidence, the Chair suggests that it is a waste of time to go into it.

Mr. Manager WEBB. I am going to be very brief, I assure you, but I want to show by this witness that Maj. Archbald had as much knowledge about this matter as the witness had himself, and I am only asking questions along that line. [To the witness:] You say this rock bank extends around eastern Packer No. 4—

The WITNESS. Packer 3.

Q. I understood you to point it out on the map. There is a rock fill or a rock ridge being made by the railroad company around Packer No. 4 eastern. Is that right?—A. Excuse me, I thought you referred to the rock dump that I said was around No. 3. That is a new one they are making now. That is right.

Q. I am referring to the quantity of rock you spoke of around eastern No. 4.—A. That is right.

Q. You spoke of a rock bank or fill which would make it impossible for anybody to work that bank No. 4 except the Lehigh people.—A. I do not know whether that is exactly right. The only thing we asked them not to do was not to dump over on the bank and cover it up.

Q. I ask you if they continue making that ridge around there will it not make it practically impossible for anybody to work No. 4, the eastern bank, except the Lehigh Valley people?—A. No; it would not, because the same access to the bank that the Lehigh Valley people would have any person else would have that would want to work it.

Q. Then it can be worked by any person, notwithstanding this rock bank? Is that it?—A. It certainly can be.

Q. Then this rock bank does not affect the value of eastern Packer No. 4, which contains 48,000 tons of coal? Is that right?—A. The new rock bank that is going in there will make it more unhandy to get at, but it will not make it impossible to get at it.

Q. It will make it more unhandy for anybody, but it will not make it impossible?—A. It will not make it impossible; no.

Q. You say there is a rocky ridge or fill extending all around or partially around No. 3?—A. Yes, sir.

Q. When was it put there?—A. Before I went with the Girard estate, but this later part of the bank, when Packer No. 3 colliery was working—in later years they do not work Packer No. 3 colliery; they do not prepare coal at Packer No. 3; they take the coal to Packer No. 4 breaker and prepare it—this was a later bank put out before Packer No. 3 was abandoned, about one or two years previous to my going over there. So that would be about 12 years ago.

Q. What is the size of the rock around Packer No. 3?—A. Some are very large.

Q. What are the sizes?—A. They are all sizes, from a couple of hundred pounds to the size of your fist.

Q. What is the size of the original rock?—A. The size was very bulky.

Q. Well, how high is it from the base to the top?—A. I have not measured the width or the height.

Q. You do not know?—A. No, sir.

Q. Can you say, or is it right, that you do not know what it contains, how high it is, or whether it extends all around the base of Packer No. 3?—A. All around the east, south, and southwest sides.

Q. That rock was put there, then, after the dump was made, was it?—A. It was put there after the good dirt was put there. The good dirt is the older dirt out of the collieries, because at that time they did not dig the coal so thoroughly out. There was no demand for the smaller sizes, and the older the bank, in almost every instance, the better the bank.

Q. How high is this ridge of rock that you speak of with reference to the height of culm bank No. 3?—A. A little higher. In making the new bank they came out over the old bank, and I would say it is from 8 to 10 feet higher than the old bank. It was put very high.

Q. It would be necessary, then, to climb up over the rock bank to get out onto the culm bank? Is that your idea?—A. On one side some of the good dirt is exposed, because it did not reach around to the northwest side, to the east, the south, and the southwest side. You would certainly have to go over the rock bank to get at the good dirt bank.

Q. After you made one breach in the rock wall, you could dig it all, could you not?—A. Not without digging the rock.

Q. I know. But you could dig the rock away from the breach that you made, and then you could move the coal through this breach to your washery?—A. I do not think you could.

Q. Your idea is that you would have to dig all the rock away?—A. You would. The bank is very high, and it would rush in on you. You would not have to dig absolutely all, but nearly all.

Mr. Manager WEBB. I think that is all, Mr. President.

Redirect examination:

Q. (By Mr. WORTHINGTON.) When you speak of rock around the east, south, and southwest sides of No. 3, do you mean that is all rock?—A. Yes; nearly all rock.

Q. Have you included that when you have given your estimate of 44 per cent of coal on the whole business?—A. That was the average of the whole bank.

Q. What is the proportion of this rock part of the dump, then, to what you call the good part?—A. That is a little hard to determine on account of the new rock dump coming over the top of the good dirt bank. We can not tell how much the good dirt would be in that new rock bank. So it is a little hard to determine that.

Mr. WORTHINGTON. That is all.

The PRESIDING OFFICER. Then the witness is finally discharged.

TESTIMONY OF JOHN M. HUMPHREY.

John M. Humphrey, being duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) Mr. Humphrey, what is your full name?—A. John M. Humphrey.

Q. And your residence?—A. Wilkes-Barre, Pa.

Q. What is your business?—A. I am chief mining engineer of the Lehigh Valley Coal Co.

Q. How long have you been the chief mining engineer of the Lehigh Valley Coal Co.?—A. Since June 1 of last year—1912.

Q. Before that time what was your business?—A. I was the division superintendent of the Mahanoy and Shamokin division of the Lehigh Valley Coal Co.

Q. We are concerned here just now about these Packer dumps. Were they within your ballwick before you got your present position?—A. Yes, sir.

Q. You are familiar with Packer dumps?—A. Yes, sir.

Q. How familiar?—A. Very familiar.

Q. Mr. Warriner was your chief, I believe?—A. Yes, sir.

Q. Did you have any occasion at any time within late years to have any talk with Mr. Warriner on the question of what should be done about Packer No. 3 dump?—A. Yes, sir.

Q. When was that?—A. That was a little more than a year ago, I think. It was either in the late fall or early winter of 1911—in November, I think, of 1911.

Q. Did you know anything about applications that had been made for that dump by Madeira, Hill & Co. and by Judge Archbald and some associates of his?—A. Madeira, Hill & Co. never made any application for that dump—for Packer No. 3.

Q. Not to your company?—A. No, sir.

Q. Well, you knew about Judge Archbald's having made application?—A. Yes, sir.

Q. As to the conversation that you had with Mr. Warriner that I am talking about, was that before or after you knew about Judge Archbald's application?—A. That was at the time the matter of leasing the dump had been referred to me by Mr. Warriner.

Q. Now, go on and tell us what you did about it.—A. I made a map and estimated the quantity in the several dumps in the vicinity of our Packer 4 colliery. I then went to Wilkes-Barre, Mr. Warriner's headquarters, with this data, and went over it with him. Shortly after we were together Judge Archbald came in the office, and the Packer No. 3 dump and the Packer No. 4 dump we decided not to lease on account of our working them ourselves at that particular time, but we told the judge that he could have the Packer No. 3 dump—at least, Mr. Warriner told him so.

Q. I know what Mr. Warriner did; we have had him here as a witness; but I should like to know what you did, if anything, about it?—A. Well, what I did was to advise Mr. Warriner as to the character of these dumps and as to their worth to us.

Q. Well, what information did you give him?—A. The packer No. 4 dump we were working and putting through our breaker at that time, and it was my advice not to lease that dump or the Packer No. 2 dump. I advised the leasing of Packer No. 3 on account of its inferior quality and its location, it being located at such a point that we could not take it through our breaker economically for two reasons; one, on account of the distance from the breaker, and, another, we were putting a large rock bank between the breaker and this dump.

Mr. WORTHINGTON. I wish you would speak a little louder.

The WITNESS. The No. 2 dump and No. 4 dump were both removed from the discussion, leaving only the No. 3 dump, and the reason for that was because No. 3 dump was of no value to us, or at least we considered it so, it being too far from our opera-

tion, for one thing, to make it economical to rework, and, another, we were putting a large rock bank between our operation and the dump that would make it very expensive for us to remove that dump to the breaker.

Q. Did you give that advice to Mr. Warriner while Judge Archbald was there or before or after he was there?—A. I gave it to Mr. Warriner before the judge came in.

Q. Did you participate in the conversation after the judge got there?—A. Yes, sir.

Q. Well, go on and tell what took place then.—A. The banks were generally discussed—the three banks, the No. 2 bank, the No. 4 bank, and the No. 3 bank.

Q. Had you before you the application that Judge Archbald and his associates had made?—A. That was the first I knew of Judge Archbald's application—meeting him in Mr. Warriner's office.

Q. Did you know that there was any No. 4 in that application or any No. 2?—A. No; I did not know that at that time.

Q. Not at that time?—A. That the judge wanted the bank there.

Q. Very well. You advised Mr. Warriner, from your knowledge of the business, that it would be to the interest of the company to let Judge Archbald have No. 3, did you?—A. Yes, sir.

Q. Excuse me for the question, but I want to know whether you made that honestly and with any thought but the best interests of the Lehigh Valley Coal Co. in mind?—A. Certainly I made it with that idea only; that was my only idea.

Q. Now, I wish you would tell us a little more about why you gave Mr. Warriner that advice about No. 3. What kind of a dump was it? Tell us about it.—A. The No. 3 dump had been originally a coal dump; that is, the smaller sizes of coal from the old Packer No. 3 breaker. Afterwards they had dumped rock on this same coal dump, making it very much less valuable as a washery proposition than it would have been had the rock not been dumped there, and consequently there was a very much less percentage of coal in the dump than there was in either of our other dumps. In addition to that, the location of the dump made it a much more expensive proposition for us; and the rock bank I mentioned, which we were dumping between our breaker and the dump, would almost make it impossible for us to get the dump to the breaker.

Q. Now, in your judgment, at the time Judge Archbald was there and that application on his behalf was being made, could Packer No. 3 dump have been worked with any profit by the Lehigh Valley Coal Co., paying the current royalty to the Girard estate?—A. No, sir; it could not have been.

Q. Could anybody do it from that time to this, so far as you know?—A. No, sir.

Q. You have seen the map, have you not, of these dumps?—A. Yes, sir.

Q. Upon which there is a letter "B," which, it has been stated, indicates where a certain hole was. Do you know about that?—A. I can not see the letter "B" from here, but—

Q. On the map it is located between eastern No. 4 and Packer No. 3. Is that where it is?—A. Yes, sir; there is a hole there.

Q. Very well; tell us what you know about that hole.—A. We drove a hole out there about 1893.

Q. 1893?—A. I should say about 1903, and prepared a small portion of the small No. 4 Packer—

Q. "Eastern No. 4," we call it.—A. Eastern No. 4, and during the years from 1904 to 1907 it was worked intermittently, and we put through about a thousand cars altogether. That is a thousand mine cars, which contain about 3 tons each. That would be about 3,000 tons of this bank we put through the breaker.

Q. Why did you not take more?—A. The reason we did not take more was on account of the quality of the bank. The bank contained a lot of flat slate, which is very difficult of separation; it is very hard to remove from the coal.

Mr. WORTHINGTON. That is all.

The PRESIDING OFFICER. Are there any further questions for the witness? If not, he may retire.

Mr. HITCHCOCK. Mr. President, I desire to submit a question.

The PRESIDING OFFICER. The Senator from Nebraska presents a question which he desires to have propounded to the witness. The Secretary will read the question.

The Secretary read as follows:

Q. What reason was there why your company should let Judge Archbald buy or lease one of its coal dumps?

A. I do not know of any reason why they should let Judge Archbald buy or lease one of their coal dumps any more than any other business man.

The PRESIDING OFFICER. Are there any further questions of the witness.

Mr. Manager STERLING. Just one question, Mr. President. [To the witness:] What was the general policy of your company with reference to leasing or selling dumps? Had you at any time before that leased or sold dumps?—A. I can not recall any in my division.

Q. Well, you know there were none, do you not, and you know there were none in any division, do you not?—A. No; I do not know that, sir.

Q. You do not know that they did lease any?—A. No; I do not know that they did lease any.

Mr. Manager STERLING. That is all.

Redirect examination:

Q. (By Mr. WORTHINGTON.) What had Judge Archbald's connection with the matter to do with your recommending that the Lehigh Valley Coal Co. should allow it to be leased?—A. I did not know that Judge Archbald was the applicant for this dump when I made my recommendation.

Q. You made your recommendation before you knew who was making the application, did you?—A. Exactly.

Q. You were personally in charge of these matters under Mr. Warriner at that time?—A. Yes, sir.

Recross-examination:

Q. (By Mr. Manager STERLING.) Mr. Warriner knew who the applicant was, did he not?—A. I think he did, as I read his testimony.

Q. He is the gentleman in authority with reference to the leasing of these dumps?—A. Yes, sir.

Mr. Manager STERLING. That is all.

Mr. WORTHINGTON. That is all.

The PRESIDING OFFICER. The witness may retire, and is excused.

TESTIMONY OF JOHN W. BERRY.

John W. Berry, having been duly sworn, was examined and testified as follows:

Q. (By Mr. SIMPSON.) Mr. Berry, you are secretary and treasurer of the Lacoe & Shiffer Coal Co., are you not?—A. I am.

Q. And have been how long?—A. Six or eight years.

Q. Do you know the old gravity fill which was leased by that company to Frederick Warnke?—A. Yes, sir.

Q. Who owned that fill?—A. The Lacoe & Shiffer Coal Co.

Q. Who owned the land upon which it was situated?—A. The Lacoe & Shiffer Coal Co.

Q. With whom did you have negotiations in relation to the leasing of it by the Lacoe & Shiffer Coal Co. to Mr. Warnke?—A. Well, they started with Judge Archbald, and finally we made a sale to Frederick Warnke.

Mr. Manager STERLING. Mr. President, I did not hear the answer to that question myself, and I should like to have it read.

The PRESIDING OFFICER. The witness will speak louder, so that he can be heard over the entire Chamber.

The WITNESS. The negotiations started with Judge Archbald and ended with the sale to Frederick Warnke and his business associates.

Q. (By Mr. SIMPSON.) Who made the proposition to the Lacoe & Shiffer Coal Co., which was accepted, to sell it to Mr. Warnke and his associates?—A. The final proposition was made by Judge Archbald.

Q. I show you certain correspondence. Will you kindly look at it and see if that is a copy of the letters written by you in relation to the matter?—A. (After examining papers.) Yes; this is the correspondence that started away back in regard to an option that ran out on August 1.

Mr. SIMPSON (to the managers). Cross-examine, gentlemen.

Mr. Manager DAVIS. Give us a moment to read the correspondence, if you please.

Q. (By Mr. Manager DAVIS.) These letters that have been shown you are the only contract or option that was ever given by you to Judge Archbald?—A. That is all.

Q. And such rights as he had under that option?—A. Well, there was one on December 2. I offered it to him for \$6,000 for 10 days; that was by telephone.

Q. Your initial option to him was given, as demonstrated by this correspondence, on the 27th of April, 1911, and by successive extensions until its expiration, August 1?—A. That is right. It expired on August 1.

Q. After that time did he hold any formal option from you on the property at all?—A. Only the verbal option given by telephone on December 2 for 10 days.

Q. For what time?—A. For 10 days.

Q. And that was never renewed?—A. No, sir.

Q. So that at the time the deal was made to Frederick Warnke Judge Archbald held no option whatever from your company?—A. There was no option at that time.

Mr. Manager WEBB (to Mr. Simpson). Do you desire to have the letters read?

Mr. SIMPSON. Yes; we might as well have them read. I offer the letters in evidence, Mr. President, and ask to have them read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read the letters, marked "U. S. S. Exhibit CC," as follows:

[U. S. S. Exhibit CC.]

PITTSBURGH, PA., April 22, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

DEAR SIR: Your letter of yesterday, inquiring about the old gravity fill, received.

Yes; we will sell the coal in the same for cash. I expect to be in Scranton Monday and will try to see you for a few minutes.

Yours, truly,

JOHN W. BERRY.

PITTSBURGH, PA., April 27, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

MY DEAR SIR: Your letter of April 26 received, and in accordance with your request we hereby offer you the coal in the old gravity fill between planes 4 and 5 for \$7,500 cash, and will allow two years for its removal. This option to end in two weeks from the date hereof.

I shall be glad if you will let me know as soon as convenient. Two other parties have made application for the fill since I talked with you last Monday, and are awaiting your decision.

Yours, truly,

JOHN W. BERRY,

Secretary and Treasurer the Lacoe & Shiffer Coal Co.

PITTSBURGH, PA., May 11, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

MY DEAR JUDGE: I have your letter of May 10, 1911, requesting an extension of the option given to you under date of April 27, 1911.

You state the necessity of going to Washington, etc. Your request is agreed to. It would be better, however, for us to fix a time when the option expires, and we hereby extend the option to June 1, 1911.

Yours, truly,

THE LACOE & SHIFFER COAL CO.,
JOHN W. BERRY, Secretary.

PITTSBURGH, PA., May 25, 1911.

Hon. R. W. ARCHBOLD, Washington, D. C.

MY DEAR JUDGE: Your letter of May 23 received, and in accordance with your request we again extend the time of the option on the old gravity fill to June 15, 1911.

We own for a distance of 400 or 500 feet west of the fill and will agree to your floating the refuse into the marsh on the west side and to use such surface land as may be necessary for a washery.

Yours, truly,

THE LACOE & SHIFFER COAL CO.,
JOHN W. BERRY, Secretary.

PITTSBURGH, PA., June 17, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

DEAR JUDGE ARCHBOLD: I have your letter of June 16. You need more time, and we hereby extend the option to July 1, 1911.

Yours, truly,

THE LACOE & SHIFFER COAL CO.,
JOHN W. BERRY, Secretary.

PITTSBURGH, PA., July 5, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

DEAR JUDGE ARCHBOLD: Your letter of July 1 received. We hereby extend the option on the old gravity fill until August 1, 1911.

Yours, truly,

THE LACOE & SHIFFER COAL CO.,
JOHN W. BERRY, Secretary.

PITTSBURGH, PA., December 16, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

DEAR JUDGE ARCHBOLD: Your letter of December 12, 1911, received. I can not answer your letter for a few days for this reason: When you telephoned me on the 2d of the month I offered it to you for \$6,000 cash, giving you 10 days. Two or three days after I gave another option at a higher price, to commence at the expiration of your option in case you did not accept the offer within the 10 days. I will know by the latter part of next week whether this party takes it or not.

Yours, truly,

JOHN W. BERRY.

PITTSBURGH, PA., December 23, 1911.

Hon. R. W. ARCHBOLD, Scranton, Pa.

DEAR JUDGE ARCHBOLD: Your letters of December 18 and 21 received. I have postponed answering your letter of December 18, hoping to have a definite answer to give you. In case I do not get a definite answer by Tuesday morning I will probably see you in Scranton. However, at the low price I gave you we must have cash.

Yours, truly,

JOHN W. BERRY.

Q. (By Mr. Manager DAVIS.) Mr. Berry, have you the letters from Judge Archbald to which these are the replies?—A. Two I sent to Mr. Manager CLAYTON. The others were thrown into the waste basket, when they became of no use, long before this investigation started.

Q. What other letters were thrown into the waste basket?—A. Well, the letters that I received from him except those which I sent to Mr. Manager CLAYTON. Letters dated December 27,

1911, and February 21, 1912, were the two which I sent to Mr. Manager CLAYTON.

Q. You have in your possession no other letters from Judge Archbald?—A. I have no other letters. They were destroyed when they became of no use after that option expired.

Q. So that you have no letters from him in your files at all at this time?—A. Not at this time. Two original ones I sent to you at the time of the examination before the Judiciary Committee.

Mr. SIMPSON. Will you kindly produce those two letters, gentlemen?

Q. (By Mr. Manager DAVIS.) What is the date when you destroyed those letters?—A. The date of what?

Q. What is the date when you destroyed that correspondence?—A. Oh, it was away back in the summer some time, after August 1.

Q. What year?—A. 1911. Just about that time, I guess.

Q. How did these escape at that time?—A. I do not know. I happened to have them when you wanted them, and so I sent you all I had.

Q. What I am trying to get at is whether there was any reason why you saved some of the letters rather than others.—A. No; there was not. They just happened to lie on my desk there, what remained. The others were destroyed in clearing the desk, some time in August, I guess—August or September.

Redirect examination:

Q. (By Mr. SIMPSON.) Are these the two letters you sent to the Judiciary Committee [exhibiting]?—A. (After examination.) They are.

Mr. SIMPSON. I offer these letters in evidence, and ask the Secretary to read them.

The Secretary read as follows:

[U. S. S. Exhibit DD.]

SCRANTON, PA., December 27, 1911.

MY DEAR MR. BERRY: I have just seen the party here to whom I was going to turn over the old Gravity Fill at the price which you named. He is not able, however, to make a cash payment for the whole \$6,000, the price at which you put it, and if that is essential he will have to give it up. He wishes me to say, however, that if at any time you wish to consider the offer which he made—that is to say, \$2,000 cash and the balance in notes, payable at the rate of 20 cents a ton as the material is removed—he will be willing to go into it at any time.

Yours, very truly,

R. W. ARCHBOLD.

(United States Commerce Court, Washington.)

SCRANTON, PA., February 21, 1912.

MY DEAR MR. BERRY: If you have not disposed of the old Gravity Fill, the party here who has been interested in it wishes me to make you another proposition. He will pay you \$7,000, provided you will take \$2,000 cash and the other \$5,000 at the rate of 20 cents a ton for each ton of material removed. This will give you \$1,000 more than the \$6,000 cash for which you offered to sell, and you would be entirely secure for the balance above the down payment.

Trusting that this will appeal to you,

Yours, very truly,

R. W. ARCHBOLD.

Q. (By Mr. SIMPSON.) Mr. Berry, did anyone besides Judge Archbald bring the purchasers and sellers together in that matter?—A. No one else.

Q. There is another question, which I overlooked asking you before. Will you tell us, please, what rights, if any, the Delaware & Hudson Co. have over the surface of that ground?—A. No rights.

Mr. SIMPSON. That is all.

The PRESIDING OFFICER. Are there any further questions?

Cross-examination:

Q. (By Mr. Manager DAVIS.) Does the Delaware & Hudson own any land adjoining this fill?—A. I do not know. I think it is what is called the East Side Bondholders, of which Capt. May is one of the trustees.

Q. Is that an adjunct of the Delaware & Hudson?—A. No; I think not. The East Side Bondholders hold some bonds. I think the mortgage was foreclosed and the property got into the hands of the bondholders.

Q. Has it any connection with the Pennsylvania Coal Co.?—A. I think not.

Q. You closed this transaction with Mr. Warnke in person, did you not?—A. I did; with him and his business associates.

Q. Who are his business associates?—A. Mr. Schlager and Mr. Kiser.

Q. Swingle?—A. Swingle; yes.

Q. They came to your office in person for that purpose, did they not?—A. Yes; they did.

Q. And the final negotiations were conducted between you without the interposition of Judge Archbald?—A. Yes; with one exception. We met once at Judge Archbald's office, after I had made the first draft of the contract and read it over there.

Q. What was the purpose of that meeting in Judge Archbald's office?—A. I do not know. They lived in Scranton and I lived

in Pittston, and I frequently go to Scranton, and I think it was probably through my suggestion that we met there, having no other place to meet.

Q. What was the date of that conference?—A. I do not know. It was between February 26 and March 7. On March 7 the contract was signed in my office in Pittston.

Q. In 1911?—A. In 1912 it was signed.

Q. Your ownership or the ownership of the Lacoe & Shiffer Co. of this dump was open and notorious, was it not?—A. Oh, yes.

Q. And there was never any question as to who the parties were with whom negotiations had to be had in order to purchase it?—A. Not the slightest.

Q. And your relation to the Lacoe & Shiffer Coal Co. was equally notorious?—A. Yes.

Redirect examination:

Q. (By Mr. SIMPSON.) These East Side bondholders, so called, were a bondholders' committee of bonds on a defunct coal company, were they not?—A. I think so. I do not know enough about it to give you the details, but they are always spoken of as the East Side bondholders.

Mr. SIMPSON. That is all.

The PRESIDING OFFICER. The witness may retire and be excused.

Mr. WORTHINGTON. Call Mr. Holden.

TESTIMONY OF CHARLES P. HOLDEN.

Charles P. Holden, being duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) Where do you live?—A. Boston, Mass.

Q. What is your business?—A. Manufacturer of machinery.

Q. Have you at any time had any relation with what is known as the Katydid culm dump near Moosic, Pa.?—A. I have, sir.

Q. Just in what way? Will you tell us briefly how you are concerned in that property?—A. In the latter part of 1911—December, I think—I was in the office of the Laurel line, so-called.

Q. In Scranton?—A. And I saw Mr. Conn. Mr. Conn informed me that they were about to buy a culm dump on 46. Forty-six being a lot that my wife had an interest in, he asked me if I knew anything about it. I said, "Forty-six belongs to the Everhart estate in part."

Q. The Everhart estate?—A. The Everhart estate, of which my wife is a member, her interest being very small, a one-twenty—well, I have forgotten exactly what it is, but it is very small.

I then told him I thought he would make a mistake to buy something that belonged to somebody else. He told me he would drop it.

Q. What did you say was the date of that conversation?—A. In December, 1911. Two or three days after that I went to my attorney, Walter S. Bevan—

Q. In Scranton?—A. In Scranton, and instructed him to see the Brooke people at Birdsboro, Pa.

Q. Who were they?—A. The E. & G. Brooke Co., the owners of a one-fourth full interest in this particular property. He did so. I sent him there to ask if he could get an option for me, so as to protect Mrs. Holden's interest and the collateral interests. He wrote me under date of December 11 that they were willing under certain conditions to grant me that option.

Q. Have you that letter?—A. I have that letter here.

Q. Have you any objection to letting us use it here?—A. It is a private letter, and I do not care to show it unless I have to do so. I think I have it here. I have no objection to showing the letter to the committee. I do not want to show it unless I have to.

Q. You have no objection to showing it to me, in the first place, and to the managers?—A. Not at all, sir.

Mr. WORTHINGTON. I have seen it before.

(The letter was produced and examined by the managers.)

Mr. WORTHINGTON. Mr. Holden, I feel obliged to offer this letter in evidence. It would do no good for counsel and the managers to see it unless the Senators, who have to pass judgment on this case finally, see it. I therefore ask that it be marked as an exhibit and read from the desk.

The Secretary read as follows:

[U. S. S. Exhibit EE.]

(Walter S. Bevan, attorney and counselor, Scranton, Pa.)

SCRANTON, Pa., December 11, 1911.

Mr. CHARLES P. HOLDEN,
Prince George Hotel, New York, N. Y.

DEAR MR. HOLDEN: I have just returned from Reading, where I interviewed the Brooke people. While they refused to sign an option to-day, they assured me that they would not give anybody an option until they heard again from me, and I promised to write them Thursday or Friday of this week.

Before signing an option they desired to have a few days to look into their interests there, as they were not familiar with the extent of it. I promised to communicate with them and give them some definite information, and I would therefore request you to answer the following questions, which they put up to me: How much are you willing to pay for an option? For what period of time do you desire the option? What is your proposition as to the purchase of their interest, either outright or upon a royalty basis? If upon a royalty basis, name the sizes and the prices for each size? What is the extent of the tract?

I found them to be very decent people to deal with, and I am sure that if we propose any reasonable terms, that I can secure the option this week. Answer this communication immediately. The gentlemen interested in this land company will be out of town until Thursday or Friday, so that will give us ample opportunity to communicate with them.

Any other data that you think would be useful in my communication to them kindly give to me.

Very truly, yours,

WALTER S. BEVAN.

Q. (By Mr. WORTHINGTON.) Now, will you go on with the story?—A. After receiving that letter I went with Mr. Bevan to Birdsboro and had an interview with the Brooke people. They did not know what to say about the property. I told them there had been an offer made—

Q. I do not care for the details of that conversation. If it resulted in anything I would like to know what the result was.—A. I wanted to bring out that I told them at that time that I understood the Laurel line had offered somewhere like \$25,000 for the property to start with. Then Mr. Brooke said he would go with me to see the property. He did go. He went over the property. He did not have it examined at that time, but paced it off. It resulted in my getting an option—it resulted in my buying that interest from the Brooke people.

Q. For how much?—A. I do not care to say; I do not think I ought to say. It is an entirely private matter, and unless I have to do so I do not want to say.

Q. When did you buy their interest?—A. Some time in the summer of 1912.

Q. That was last summer?—A. Yes. That is, I completed the thing. The option was given to me right after this time in December.

Q. When did you get the option?—A. The 17th of January, 1912, I think.

Q. Anyhow, it was before April, 1912?—A. It was the 17th of January, 1912.

Q. It was before April, 1912?—A. Yes.

Q. That is what I want to lead up to. Go ahead and tell what happened about this matter that brought you finally to Capt. May's office.—A. Having obtained that option, I again saw Mr. Conn on some business of my own, looking to getting a railroad rate on other property.

Q. Something else entirely?—A. Yes, sir. That was my object in seeing Mr. Conn. Mr. Conn told me that the matter had been dropped so far as the Katydid was concerned, and so I supposed the whole thing was dropped, so far as Judge Archbald was concerned or anybody else.

Q. When you say the whole thing was dropped what do you mean?—A. The Katydid.

Q. Dropped by whom?—A. By the Laurel line.

Q. That the Laurel line would not buy it?—A. That the Laurel line would not buy it. I assumed that nobody would buy it, because it seemed to be common news, and everybody in Scranton at that time knew where the ownership lay. It so happened I was in Scranton several times from January until April. This particular day—the 11th day of April—happened to be my birthday. I called at Capt. May's office on business connected with this Everhart estate.

Q. Excuse me, you say the 11th of April. What year?—A. 1912. I went to see Capt. May about lots 20 and 21, which the Everhart estate owned, and from which they mined coal, and also lot 26, of which my wife owns a quarter interest. As I was about to leave Mr. May's office he turned to me and said, "By the way, I have sold the Katydid property." I said, "What do you mean?" He said, "I have sold it; I have sold it to one Bradley."

Q. One Bradley?—A. One Bradley. Said I, "Capt. May, you are taking a great chance. By the way," said I, "I notify you right here not to sell that property. It belongs to Mrs. Holden as far as her interest is concerned, and I have an option on a quarter interest." The property was owned by the Brooke people, one full quarter interest; the Everhart estate, one quarter; and the Hillside Coal & Iron Co., one-half interest. The culm dump was an undivided interest and could not be sold in part; the Erie could not sell it; it had to be sold as a whole. Consequently my notice to Capt. May was that the property could not be sold unless it was sold in its entirety.

I left Scranton on the 12:40 train. A half hour before I left I called up Mr. Heckle, who was the administrator on behalf of part of the Everhart estate. I asked him, on behalf

of his people, to notify Mr. May. I sent for my lawyer to come to the Delaware, Lackawanna & Western Railroad and asked him to notify Capt. May in writing. I left Scranton on the 12.40 train. I arrived in New York at 4.40, I think.

Q. What, 12.40 in the day?—A. The 11th of April.

Q. The middle of the day, or the night?—A. 12.40 p. m. I arrived in New York at 4.40, I think. As I was about to take the train for Boston, which left at midnight, it occurred to me I had better send Capt. May a written notice for myself. I then went across the street to the Grand Union Hotel and sent him the notice, which appears in the record.

Mr. WORTHINGTON. It is in evidence.

The WITNESS. On my arrival in Boston I went to the office of Mr. Saltonstall, of the firm of Gaston, Snow & Saltonstall, who represented John Everhart's widow, and got him to notify Mr. May. On my next trip to Philadelphia I saw Mr. Taylor, the husband of Mrs. Holden's sister, and got him to notify Mr. May.

Q. Do you happen to know whether Mr. Taylor is in this country now?—A. Mr. Taylor is in Europe. That was the result of my efforts to notify Capt. May not to sell this undivided interest. He pretended to say he could sell whatever interest he had. So he could; but he could not sell that bank, because it was an undivided interest.

Q. You mean now that that is what you told him?—A. That is what I told him; the Katydid bank, or any bank up there on that property.

Q. I want to ask you, at the time you had that conversation with Capt. May on the 11th of April last and at the time you spoke to Mr. Bevan and Mr. Heckle and Saltonstall, what knowledge or suspicion you had, if any, of any connection of Judge Archbald in that matter?—A. I never heard of it, sir.

Q. What knowledge or suspicion had you at any time of any investigation that was impending in reference to Judge Archbald's connection with the Katydid or anything else?—A. Not in the slightest degree. I never heard of it.

Q. Had you any reason, except what you have stated, for giving or having those notices given?—A. No, sir.

Q. Do you happen to know anything about the sale by the Hillside Coal & Iron Co. or the leasing by the Hillside Coal & Iron Co. of any other dump about this time?—A. I do not.

Q. Well, some time before. When I say about this time I mean within two or three years.—A. Oh, I bought part of an interest myself of the Hillside.

Q. On what dump is that?—A. That is on lot 38.

Q. What dump is that?—A. It is known as the Florence dump.

Q. Did you buy it from Capt. May individually?—A. From the Hillside Coal & Iron Co.

Q. Do you mean from Capt. May individually or the company?—A. No; through Capt. May as the vice president of the Hillside Coal & Iron Co.

Q. Where is that dump situated?—A. That is situated in Pittston, on lot 38; in Pittston Township, or in a town called Dupont, Pa., Luzerne County.

Q. How does that dump compare in size with the Katydid?—A. There is no comparison.

Q. Do you mean that the Katydid is much larger?—A. The Katydid is so much smaller and so much poorer.

Q. Do you know of any reason why the Florence was disposed of? Was there any special reason for selling that dump specifically?—A. For the same reason I suppose that inspired him to sell this one—the undivided interest.

Q. That was another case of an undivided interest?—A. Yes. By the way I might say there I had part of the leases from the other owners of this Florence dump, and that may have influenced Capt. May, because I had them, to sell that interest.

Q. Do you mean to say that the Hillside Coal & Iron Co. had interests and that you owned interest?—A. Yes, sir; absolutely.

Q. And Mr. May sold to you?—A. Yes, sir.

Q. That is, his company did?—A. His company did, the Hillside Coal & Iron Co. That was three years ago, long before anything happened as to this matter.

Q. I understand. Mr. Holden, I beg your pardon, but I want to ask you whether or not, when you had that conversation with Capt. May on the 11th of May last, when you gave him this warning, you received any intimation or tip from him that he would like to have you raise such objection?

Mr. Manager STERLING. We object. They have been all over that.

The WITNESS. I think I have already said that. I will answer it again if I am allowed to.

The PRESIDING OFFICER. The Chair would suggest that it is not only in the interest of time, but in the interest of not

having an unnecessarily cumbersome record, that the same thing should not be proved twice, unless it is challenged.

Mr. WORTHINGTON. I was then using the same expression that has been used by the managers in the examination of other witnesses. I withdraw it.

Mr. Manager STERLING. I object to that statement. There was no intimation that this witness—

Mr. WORTHINGTON. No; the intimation was that Capt. May had given him the tip to make the objection.

Mr. Manager STERLING. No; it was simply a statement by me that Capt. May had given him the tip, so that he would object.

Cross-examination:

Q. (By Mr. Manager STERLING.) Are you a lawyer?—A. No.

Q. What is your business?—A. Manufacturer of machinery.

Q. Where is your home?—A. Pittston.

Q. And you or your wife had an interest in the Katydid culm dump?—A. I have an interest in lot 46.

Q. Well, you claim on that basis an interest in this culm, did you not?—A. Yes.

Q. About a one twenty-fourth part?—A. That is right.

Q. And Mr. Bevan is your lawyer?—A. He was my lawyer in that particular matter.

Q. You gave Capt. May notice personally on the morning of the 11th?—A. Yes.

Q. At his office?—A. In his office.

Q. Who first mentioned the matter of selling the Katydid culm dump?—A. Mr. Conn, the vice president of the—

Q. No; at this meeting on April 11.—A. I have testified that Capt. May spoke to me as I was about to leave the office.

Q. So he first suggested to you that they were selling the culm dump?—A. Yes.

Q. He knew that your wife was interested in it, did he not?—A. I presume he did; I do not know.

Q. He knew that the Everharts had a claim there for royalty?—A. I do not know whether he knew it or not.

Q. Did he not call your attention to the contract which he had made out and which was on his table at that time?—A. He did, sir.

Q. And did not the contract itself provide that the purchaser should pay royalty to the Everhart estate?—A. This contract he read to me? It did not.

Q. How is that?—A. It did not.

Q. The contract that was made out to Mr. Williams that was to be delivered to Bradley. Do you say that that did not have a provision in it to pay royalty to the Everhart estate?—A. I will qualify that. Mr. May read some of that document to me, but not the whole of it. I never saw anything in it that related to the Everharts.

Q. Anyhow, the contract was there and you saw at least a part of it?—A. I did not see it.

Q. You heard him read a part of it?—A. Yes.

Q. And it was after you were there and after you notified him not to sell it that he sent the contract to Mr. Bradley?—A. I do not know anything about that.

Q. Did you know or did you learn afterwards that on the same day he sent it to Bradley and did not recall it until the next day after that?—A. I did not, sir.

Q. You did not know that?—A. No, sir.

Q. Did you notify Capt. May not to sell the Hillside interest?—A. No, sir.

Q. You simply notified him not to sell your interest or your wife's interest?—A. Yes, sir.

Q. Do you know whether or not he was seeking to sell your wife's interest?—A. I do not.

Q. Did he not read that part of the contract that indicated that he was simply selling the interest of the Hillside Coal & Iron Co.?—A. He was selling his interest, as I understood it, and assuming to work with Robertson & Law, who claimed another part of the interest, to sell it together. That is the impression I got.

Q. Robertson & Law were not mentioned in this contract?—A. Robertson & Law were mentioned in that contract, if my memory serves me.

Q. Were they mentioned as parties to the contract?—A. If my memory serves me—I do not know; I paid little attention to it.

Q. Anyhow, the contract did not purport to be a guaranty of title or anything of that kind?—A. I do not know anything about that, sir. I did not take much interest in it.

Q. And you were not seeking to prevent the Hillside Coal & Iron Co. from selling their interest in the dump?—A. I was seeking nothing except to protect my wife's and my own interest.

Q. You conceded that they had a perfect right to sell their interest in the dump to Judge Archbald.—A. I conceded nothing; I did not know anything about it. I did not have any objection to it, and I could not have any objection to it.

Q. After you left the office you immediately notified Mr. Heckle?—A. Yes, sir.

Q. He is administrator of the Everhart estate?—A. Of a part of the Everhart estate.

Q. And you also notified your attorney, Mr. Bevan?—A. Yes.

Q. And they both wrote notices to Mr. May?—A. Yes.

Q. So the notice from you and the notice from Bevan and the notice from Heckle all related to the interest of the Everhart estate, the interest of which was provided for in the notice itself. Is not that true?—A. I did not see the contract.

Q. Who is Mr. Saltonstall, who sent a notice also?—A. He is a member of the firm of Gaston, Snow & Saltonstall, guardian of the minor children of John F. Everhart. John F. Everhart was one of the children of John T. Everhart, who died.

Q. He had an interest through the Everhart estate?—A. He did, sir.

Q. So every one of these notices came from persons who were interested directly or indirectly in the Everhart estate?—A. That is right.

Q. About whose interest Capt. May knew perfectly well and had provided for in this contract. Now—

Mr. WORTHINGTON. Is that a statement or a question? I object to the statement.

The PRESIDING OFFICER. The Chair understands it to be a question.

Mr. WORTHINGTON. The witness has not answered.

The PRESIDING OFFICER. The witness can negative it if he does not agree to it.

The WITNESS. I have no knowledge of its truth. I do not know anything about it.

Q. (By Mr. Manager STERLING.) You do have knowledge of the fact that all four of those persons who gave notices were interested in the matter through the Everhart estate?—A. That is right, sir.

Q. The contract speaks for itself. Do you know any other reason why Capt. May withdrew this contract from Bradley?—A. I do not, sir. Neither have I had any word from Capt. May since the 11th day of April about the subject.

Q. From your knowledge of the situation and your knowledge of the transaction did you personally see any reason why Capt. May should withdraw the contract because of these notices?—A. I certainly do.

Q. What is it?—A. He would get into great trouble if he made that contract.

Q. How get into trouble?—A. In many ways.

Q. How?—A. In the first place, he has been operating that property, much to our surprise, without any lease, without any right whatsoever.

Q. Who has?—A. The Hillside Coal & Iron Co. That is one serious thing he would be up against.

Q. Had they operated it all?—A. They operated it for 30 or 40 years.

Q. How did they operate it?—A. How do you mean?

Q. How do you mean?—A. I mean that they put up a breaker there and took the coal out of the ground.

Q. Who did?—A. The Hillside Coal & Iron Co.

Q. Did not Robertson & Law operate it?—A. Robertson did not until some 30 years, and then in the year 1882—I do not know that my dates are right—that portion was pretty well mined. They had leased to Robertson & Law and then Robertson got through, and then the Hillside in turn leased to the Delaware & Hudson Coal Co., who are now operating the property, as I understand the situation. The Hillside Coal & Iron Co. have not any lease whatsoever nor any right to mine the coal on that property.

Q. They own half there, do they not?—A. They own half of it.

Q. That is all they were selling?—A. You did not ask me that. You asked what was the reason, as I understood your question, for selling this coal, and the reason, in my judgment, is this, that when they began to find that we knew, which we did not know prior to this time, that they were operating this property without any lease, not even with a letter which they could show, they were up against something which—

Q. Would that prevent the Hillside Coal & Iron Co. from selling their interest in this dump?

Mr. WORTHINGTON. I submit the witness should be allowed to finish his answer, and not be stopped in the midst of it.

Mr. Manager STERLING. I object to the witness talking about anything except an answer to my question.

The PRESIDING OFFICER. The witness will confine his reply to the question asked, and then he can explain as fully as he desires.

Q. (By Mr. Manager STERLING.) Let me ask this question, so that we may understand each other: What do you mean when you say the Hillside Coal & Iron Co. would get into trouble by selling their half interest in the Katydid culm dump to Judge Archbald or anybody else?—A. I do not think that Judge—

Q. Answer the question.

The PRESIDING OFFICER. Answer the question as asked.

The WITNESS. I mean to say that, because of their having no lease from the Brooke people and from the Everhart people in all these years they have been operating the property, they were fearful—this is my judgment—that an action might be brought showing up the whole transaction for the last 30 or 40 years.

Q. Did they have to have a lease on their own interest in order to sell it?—A. They could not sell it. It was an undivided interest.

Q. Could they not sell an undivided interest?—A. They could sell their right, title, and interest.

Q. That is what they were doing, just as you bought from the Brook Land Co. the right, title, and undivided interest, is it not?—A. Yes, sir.

Q. That is all there is to it?—A. Yes.

Q. You say that the Hillside Coal & Iron Co. sold their interest in the Florence dump?—A. Yes, sir.

Q. And that was undivided?—A. That was undivided.

Q. Did you buy it?—A. Yes, sir.

Q. And they sold it because the title was complicated, did they not?—A. They sold it because the interest had been leased by other people; in other words, I had a portion of the lease myself and controlled it. I bought simply their right, title, and interest in that particular interest.

Q. And they sold their interest in the Florence dump?—A. That is right.

Q. And they refused to sell an interest finally in the Katydid dump for the reason that the title was complicated?—A. I do not know what influenced them.

Q. Did Mr. May on the morning of April 11 when you were there read this part of the contract to you—

Mr. WORTHINGTON. On what page?

Mr. aMnager STERLING. On page 146:

Whereas a certain tract of land situated partly in Lackawanna and partly in Luzerne County, known and designated as lot No. 46, of certified Pittston Township, patented to John Bennett March 25, 1849, is owned in the following proportions, to wit: The Hillside Coal & Iron Co., twelve twenty-fourths; E. & G. Brook Land Co., six twenty-fourths; estate of James Everhart, five twenty-fourths; and heirs of John T. Everhart, one twenty-fourth.

Did he read that to you that morning when he showed that contract to you?—A. I think not. He did not read that portion of it. He merely handed the paper down, saying, "I am going to sell to a man named Bradley, and here is the document."

Q. If it was in the contract that May had prepared, it would be pretty good evidence he knew all about these interests?—A. I do not know.

Q. As I read the contract it states the interest correctly, does it not?—A. I think so, sir.

Q. Mr. Holden, after you had given Capt. May verbal notice in such positive language as you stated a moment ago, why did you think it necessary for you still to write a letter to the same effect and also have your attorney, Bevans, write a letter?—A. Simply to emphasize it; that is all. Then I had not notified Robertson & Law, which I did that same night.

Q. All you claimed to do in these notices was to notify them not to sell the Everhart interest?—A. That is right.

Q. You were not pretending to prevent them from selling the Hillside interest?—A. No, sir; no, indeed.

Mr. Manager STERLING. That is all.

Redirect examination:

Q. (By Mr. WORTHINGTON.) You said, Mr. Holden, that the Hillside Coal & Iron Co. was operating that property without a lease. What do you mean, the Katydid, or what?—A. Oh, no; lot 46.

Q. Including the consolidated breaker property?—A. I do not know how far the consolidated breaker goes. It comprises several properties.

Q. They had been mining and selling that whole ledge of coal?—A. They had been mining coal and returning 20 cents a ton for sizes above pea or chestnut; I have forgotten which.

Q. They had been doing it for years without a lease?—A. Yes, sir.

Q. That is what you meant when you said that they were operating without any right?—A. Without any lease. That is right.

Q. Without any right to continue?—A. Yes, sir.

Q. Was there anything, so far as you know, that prevented the Brook people and the Everhart people from stopping them and raising their royalty?—A. Nothing save the diversified interest and the hard work to get a lot of heirs to do anything. That is all.

Q. Mr. Holden, in view of your examination, I feel obliged to ask you to let me have the paper relating to that option which you have and which fixed the price which you paid for it.—A. I think that is a private matter, and I do not know that I can be compelled to state what I paid for that interest.

Mr. Manager STERLING. We object to it as immaterial. It makes no difference what he was to pay the Brook Land Co. for their interest.

Q. (By Mr. WORTHINGTON.) The interest was one-fourth?—A. One-fourth interest.

Q. In the Katydid culm bank?—A. Yes, sir.

Mr. WORTHINGTON. I think we ought to have it, for we have had so much about the value of that property. It appears now that Judge Archbald and Mr. Williams were to pay \$8,000 for the interest of the Hillside Coal & Iron Co. and of Robertson in that dump. We ought to be permitted to show, it seems to me, what was the value of the other interests, so as to have before us what they were getting when they acquired these various interests. It bears on the question of fairness of the Hillside price.

The PRESIDING OFFICER. The Chair thinks that the respondent can show the value of the property which was endeavored to be purchased by Judge Archbald and those with whom he was associated.

Mr. WORTHINGTON. I can conceive of no better way of showing the value than by showing the sale of an interest in it.

The PRESIDING OFFICER. The Chair means the interest that Judge Archbald was seeking to purchase. That, the Chair thinks, the counsel has a right to show as fully as he can in any legitimate way, but as to the value of another interest—

Mr. WORTHINGTON. If we show the value of one one-fourth interest, surely it would show what the value of another fourth interest was.

The PRESIDING OFFICER. Does the respondent propose to prove that as an independent fact?

Mr. WORTHINGTON. I propose to prove that the witness acquired and paid for one-fourth, and what he paid for it.

The PRESIDING OFFICER. In the same dump?

Mr. WORTHINGTON. In the same dump.

The PRESIDING OFFICER. Does the respondent desire to introduce a paper to that effect?

Mr. WORTHINGTON. I would be satisfied with the statement of the witness about it. If he stands on that, I would like to have him produce the paper.

Mr. Manager STERLING. I desire to say, Mr. President, that the sale of the property is not competent evidence to show what its fair market value is. They have gone into the question as to the value of the Katydid culm dump very extensively and it seems to me a great deal more extensively than the issue warranted. We insisted that it was not material at all to the issue what the value was. This will open up the question as to Brook's title, as to whether he had any title or not. The very contract that May submitted, where May knew that Archbald and Williams were to get the Katydid culm dump, provided that the purchaser should pay a royalty to the Everharts just as they had been paying a royalty to the Brook Co. So it is wholly immaterial, not only what these gentlemen agreed to pay for the Brook land interest, but it is immaterial as to what its value is. They have gone into the whole question as to what these gentlemen were selling, and providing in the agreement that the Brook Land Co. should be taken care of by way of royalties.

The PRESIDING OFFICER. The Chair thinks that the question of materiality of evidence is a different one from the question as to its conclusiveness. The counsel still have the opportunity to argue as to whether or not the price offered or paid was conclusive or unimportant evidence as to the value.

Mr. Manager STERLING. I should like to suggest further, if the President will permit me, if evidence with reference to the value is pertinent at all to the issue in article 1 it is pertinent for the purpose of showing Judge Archbald's attitude of mind in purchasing it, as to whether or not he could make money out of the transaction. Inasmuch as he was simply purchasing and May was simply selling the interest of the Hillside

Coal & Iron Co. in this contract which he made to Bradley, it is certainly immaterial as to what the witness agreed to pay to Brook and what the value of Brook's interest was in the estate.

The PRESIDING OFFICER. The Chair thinks that, in view of the fact that the value of the property has been thoroughly gone into and stress has been laid on it, the respondent is entitled to introduce any evidence he can which will throw light on the question as to the true value of this property. It may be evidence which may be shown by argument not to be entitled to much weight, but still it is evidence the Chair would not feel justified in excluding under the circumstances. Therefore, while the Chair does not rule on the question of the admissibility of the particular paper, he does rule to the effect that the fact may be proven as to any sale or offer for sale of any equivalent or partial interest in this property.

Q. (By Mr. WORTHINGTON.) Well, Mr. Holden, what did you pay for that one-fourth interest in the Katydid dump?

The WITNESS. Am I obliged to answer?

The PRESIDING OFFICER. You are.

The WITNESS. \$1,750.

Q. (By Mr. WORTHINGTON.) When?—A. I can not tell you exactly, but some time in the middle of the summer.

Q. In the middle of last summer?—A. Last summer; 1912.

Mr. WORTHINGTON. That is all.

Mr. Manager STERLING. That is all.

The PRESIDING OFFICER. The witness may be retired and be excused.

TESTIMONY OF W. W. RISSINGER—RECALLED.

W. W. Rissinger, having been previously sworn, was recalled and testified further, as follows:

Q. (By Mr. SIMPSON.) Mr. Rissinger, when you were examined as a witness on behalf of the managers you testified that you had paid to Mr. Russell \$2,000 out of the proceeds or discount of a note given by yourself to the order of Mr. Hutchinson and Judge Archbald and indorsed by them. Have you since that testimony endeavored to find the check by which that payment was made?—A. Yes, sir; I found it was paid direct to the owners of the concession, because it had been a discount between the secretary and president of the company. I found we paid it to the owners of the concession direct.

Q. Have you the check with you?—A. (Producing paper.) I have the check from the bank; yes, sir.

Mr. Manager STERLING. Mr. President, I think it is my duty to object for the simple reason that this is wholly immaterial to the issue in the case, and in the interest of time we do object.

Mr. SIMPSON. It was a matter brought out by the managers themselves in the examination of Mr. Rissinger. I propose to offer this check simply to fix the fact as to the actual payment. When we had Mr. Russell on the stand, to whom Mr. Rissinger said he paid the money, under the cross-examination of Mr. STERLING there was a book produced to show that there was no payment made to Mr. Russell, notwithstanding the fact that Mr. Rissinger said he paid it to Mr. Russell. For that reason we have recalled him to produce the check which shows the payment. They themselves brought it out in their examination of this witness.

Mr. Manager STERLING. It does not justify them in sinning because we did. The only thing we drew out or sought to draw out that was material was whether or not any of this money went to Judge Archbald. That was the purpose of our examination.

The PRESIDING OFFICER. The Chair will inquire of the counsel for the respondent in what way the payment or nonpayment of this check illustrates any issue made in this case?

Mr. SIMPSON. The managers themselves have made the issue. Their claim was, and I suppose is, that this note which was given by this witness to the order of Judge Archbald and Mrs. Hutchinson and indorsed by Judge Archbald was a note given in payment of the interest or a portion of the interest in which this witness was interested, and it is the subject matter of the article of impeachment.

Mr. Manager STERLING. Mr. President, we withdraw the objection.

Mr. SIMPSON. Very well.

Mr. Manager STERLING. We can save time by doing it.

Q. (By Mr. SIMPSON.) This is the check which paid a portion of the money?—A. Yes, sir.

Mr. SIMPSON. I offer that check in evidence, Mr. President.

Mr. Manager WEBB. Let it be read first.

Mr. SIMPSON. I hand it to the Secretary and ask that it may be read.

The Secretary read as follows:

[U. S. S. Exhibit FF.]

SCRANTON, PENNSYLVANIA, December 11, 1908.

COUNTY SAVINGS BANK Pay to the order of No. 129
W. W. Rissinger \$2000.00
Two thousand & 00/100 Dollars
W. W. RISSINGER

Perforated:

"PAID
12:10:08"

Stamped on face:

CERTIFIED
for \$ Two thousand &
COUNTY SAVINGS BANK,
L. B. Tyler, Teller.
Cashier.

Indorsed on back:

Pay to Alfred H. Morris, Agt.
W. W. Rissinger
Pay to the order of A. H. & D. H. Morris,
Alfred H. Morris, Agt.
Pay to the order of the Mercantile Trust Co.
A. H. & D. H. Morris
by A. H. Morris

Stamped on back:

Pay to the order of any Bank, Banker or
Trust Co.

Dec 15 1908
Endorsements Guaranteed.
NAT. BANK OF COMMERCE IN N. Y.

PAID
Through Clearing House
Dec 16 1908
THIRD NATIONAL BANK
SCRANTON, PA.

Pay to the order of
NATIONAL BANK OF COMMERCE
IN NEW YORK,
Endorsements Guaranteed.
THE MERCANTILE TRUST CO.

Q. (By Mr. SIMPSON.) Who was Alfred H. Morris, agent?—
A. He was one of the owners of the Honduras concession that
we spoke about.

Cross-examination:

Q. (By Mr. Manager STERLING.) Mr. Rissinger, this \$2,000
check was a part of the money that you got on Judge Arch-
bald's note?—A. Yes, sir.

Q. And that you sent to the promoters of this gold-mining
scheme?—A. Yes, sir; to the owners of the concession.

Q. And \$500 of the money you put in your own pocket?—A. I
used it personally, but Judge Archbald did not get any of it.

Q. The \$500 went to you?—A. Yes, sir.

Mr. Manager STERLING. That is all.

Mr. SIMPSON. That is all.

TESTIMONY OF JOSEPH P. JENNINGS—RECALLED.

Joseph P. Jennings, having been previously sworn, was re-
called and testified further, as follows:

Q. (By Mr. WORTHINGTON.) Since you were upon the
stand have you gone to the Katydid dump and made a sur-
vey?—A. I have.

Q. Have you the result of that survey here?—A. I have.

Q. Please produce it.

(The witness produced a paper, which was handed to the
counsel for the respondent and then to the managers.)

Q. (By Mr. WORTHINGTON.) You have both a map and
a statement?—A. I have, sir.

Mr. WORTHINGTON. I offer both the map and statement
in evidence. This witness, it will be remembered, was put on
the stand, but testified from figures made by a deceased sur-
veyor. His testimony was excluded on that ground. So he
has gone back and made a survey of his own.

Mr. Manager STERLING. We remember it very well, and we
object to the report, because the witness before was questioned
thoroughly as to his competency and he never qualified to make
a survey of this kind. He knew absolutely nothing about how
to make a survey of this kind.

Mr. WORTHINGTON. If the Chair wants to hear from us
on that objection, we will ask leave to examine the witness as
to his qualifications.

The PRESIDING OFFICER. The Chair will suggest to
counsel to refer to the former examination and it may not then
be necessary.

Mr. SIMPSON. It is on page 840, when he was first called.

Mr. WORTHINGTON. Shall I read it?

The PRESIDING OFFICER. No.

Mr. WORTHINGTON. It is at page 840. He was not asked
any question particularly on his qualification as a surveyor.

The PRESIDING OFFICER. Without repeating questions,
the Chair will recognize the right of counsel to propound addi-
tional questions. It is not necessary to repeat questions here-
before asked.

Q. (By Mr. WORTHINGTON.) What has been your experi-
ence and your qualifications as a mining engineer?—A. I worked
on the corps of the Hillside Coal & Iron Co. for two and a half
years, after which time I went to Lafayette College at Easton
and took the engineering course and graduated from the tech-
nical department of that institution in 1904.

Mr. GALLINGER. We have not been able to hear clearly
the answer.

Mr. WORTHINGTON. Let the answer be read.

The Reporter read the preceding question and answer.

Q. (By Mr. WORTHINGTON.) You graduated as what?—
A. Civil engineer.

Q. And since 1904 in what way have you been engaged in
reference to coal property and culm and coal dumps?—A. I
have been in active charge of two collieries for five years, and
of three for six.

The PRESIDING OFFICER. The Chair will inquire if the
managers desire to be heard upon the question.

Mr. Manager STERLING. I have nothing further to add to
what I have said.

The PRESIDING OFFICER. The Chair thinks the witness
is sufficiently qualified.

Q. (By Mr. WORTHINGTON.) Is this the first coal dump
you ever measured?—A. No, sir.

Mr. WORTHINGTON. I have offered the map in evidence,
and I offer the statement.

The PRESIDING OFFICER. The Chair thinks that counsel
will have to get the witness to testify to it.

Mr. WORTHINGTON. The witness has already stated that
he went to the Katydid dump and made a survey, and that
this is the result of his survey.

Mr. Manager STERLING. We object to the map.

The PRESIDING OFFICER. The witness can testify as to
the details of the map. The witness can prove that he has made
the map and then it may be offered in evidence.

Mr. Manager STERLING. We shall urge the same objec-
tion to this report that was urged to the others. The other
three reports went in by agreement.

The PRESIDING OFFICER. The Chair has not admitted
the report. On the contrary, the Chair has expressly ruled that
it can not be admitted at this time.

Mr. Manager STERLING. I understood the president to say
that it would be admitted later.

The PRESIDING OFFICER. No; we are taking one thing
at a time.

Q. (By Mr. WORTHINGTON.) Leaving the map aside for
the present, I will ask you to state—

The PRESIDING OFFICER. The witness can testify from
the map to refresh his memory in general. There is no ob-
jection to that.

Q. (By Mr. WORTHINGTON.) Very well. State then the
result of your measurements and investigation; and you may
refresh your memory by anything that you made yourself at
the time.

The WITNESS. Katydid dump:

Number of cubic feet in dump, 2,437,795; weight per cubic foot,
53 pounds, which gives us 57,679 gross tons, as per survey of Joseph P.
Jennings.

Percentages of coal as given by F. A. Johnson.

Q. (By Mr. WORTHINGTON.) When you say that, you mean
the report in evidence—Mr. Johnson's figures in evidence?—A.
Yes, sir.

	Per cent.
Stove and above	2.6
Chestnut	.5
Pea	.7
Buckwheat	12.1
Rice	12.7
Barley	31.0

Estimate the quantity of coal by sizes.

	Tons.
Stove and above	1,590
Chestnut	288
Pea	404
Buckwheat	6,979
Rice	7,325
Barley	17,880

Total 34,376

Value of royalty in Katydid bank; based upon above estimate and royalties paid by Robertson & Law.

	Tons.	
Pea	404 at 18 cents	\$72.72
Buckwheat	6,979 at 9 cents	628.11
Rice	7,325 at 6 cents	439.50
Barley	17,880 at 6 cents	1,072.80
Total	32,588	2,213.13

Value of coal in Katydid bank; based upon above estimate and prices furnished by Mr. Rittenhouse.

	Tons.	
Pea	404 at \$1.78	\$719.12
Buckwheat	6,979 at \$1.41	9,840.39
Rice	7,325 at 70 cents	5,127.50
Barley	17,880 at 30 cents	5,364.00
Total	32,588	21,051.01

JOSEPH P. JENNINGS.

Mr. WORTHINGTON. In view of that statement—counsel do not care to have the map go in if the managers do not—I want to ask the witness whether or not that included the conical dump which is shown on the map here?—A. No, sir.

Q. You have been referring to Mr. Rittenhouse's figures—you mean those which are in evidence? Are you familiar with them?—A. Yes, sir; those are the figures that he gave.

Q. And with his map?—A. I am familiar with his map; yes, sir.

Q. And all in evidence?—A. Yes, sir.

Mr. Manager WEBB. Johnson's figures?

Mr. WORTHINGTON. Both. [To the witness.] Whenever you refer to Johnson's figures, you mean those in evidence?—A. Yes, sir; I took that out of the record.

Q. Is there any difference between your method of calculation and Rittenhouse's, except that you omit the conical dump which he included?—A. There is no difference in calculation. He puts in more of the bank than I do—more of that rock fill.

Q. What is that difference? Explain that.—A. That difference comes in where the rock and culm were dumped in together, as was testified to by Mr. Johnson, and formed a vertical wall. Mr. Rittenhouse did not know that was there. He assumed that the bank sloped both ways and, of course, he would get more than I would.

Q. Why do you say Mr. Rittenhouse assumed that?—A. His profile shows it.

Q. The profile in evidence?—A. The profile in evidence shows the slope; yes, sir.

Q. I wish you would go to the map back there and show just where this location is of which you are speaking.—A. (After going to and examining the map in the rear of the Chamber.) It is marked on here, starting at point B [indicating] and following this zigzag line around to about the point A there as marked [indicating].

Q. Now, just explain right there what you mean. You have given a vertical line there, and Mr. Rittenhouse has given a slope.—A. The culm was dumped along here [indicating], and the rock was dumped along there [indicating]. The slope—the old mine opening—went under the cliff here [indicating], and Robertson & Law put in a number of mine tracks radiating from a common point in order to dispose of the mine rock. That rock material was dumped there [indicating] before the culm was dumped. A person going on the ground to-day could not tell which was dumped first. Mr. Rittenhouse in his profile estimates that this bank slopes under this slush bank, which is not so.

Q. That is shown by his profile that is in evidence?—A. Yes, sir.

Q. Will you please look at this map [indicating], which is in evidence, and the blue print, which is marked "U. S. S. Exhibit V," being the map which, as it appears from the evidence, Capt. May acted upon when he made the recommendation to sell for \$45,000—

Mr. Manager STERLING. We object to the statement for the reason that that does not appear. We understand it appears in the evidence that Capt. May testified that he estimated 85,000 gross tons. That is his testimony.

Q. (By Mr. WORTHINGTON.) Look at that map, then, which counsel for the respondent claim is the one that the evidence shows Capt. May acted upon. Have you also taken that map and made a calculation as to the material in this bank from that?—A. I have.

Q. Have you got that calculation?—A. I have.

Q. I wish, refreshing your memory by any figures you have, you would state the result of that.—A. The number of cubic feet in solids, as shown in that print, is 2,316,065, which, at 53 pounds to the cubic foot, is 54,800 tons of material.

Q. Why do you take 53 pounds to the cubic foot?—A. It varies a pound or so. You never get the same thing twice in

measuring it up. It depends upon the amount of moisture. You never could weigh a portion of a culm dump and get the same thing twice, because the amount of moisture in it would determine the weight.

Q. Is there a large variance or is it generally in a small degree?—A. There might be a variance of a few pounds to the cubic foot. I took it at 53 because it is the easiest to calculate.

Q. I wish you would now look at the map, which is in evidence, and which is known as the Merriman map, which appears facing page 987 in the record in this case. I ask you, taking the same blue print, U. S. S. Exhibit V, to tell me if you can tell from that map whether it is based upon the assumption of a vertical line where you have indicated Mr. Rittenhouse had a slope?—A. Yes; it is.

Q. And that, too, omits the conical dump?—A. It omits the conical dump.

Q. I observe, Mr. Jennings, on this blue print, Exhibit V, there appear to be some figures in pencil which appear clearly on the map as printed in the record. Can you identify those figures?—A. Those figures are Mr. May's figures.

Q. Capt. May's figures, you mean?—A. Yes, sir.

Mr. WORTHINGTON. That is all, gentlemen.

Cross-examination:

Q. (By Mr. Manager STERLING.) The map you are testifying about there, the blue print, was made by Merriman, was it not?—A. It was made by Mr. Merriman.

Q. He is dead?—A. Yes, sir.

Q. He was the engineer for the Erie Railroad Co. and the Hillside Coal & Iron Co. for many years, was he not?—A. He was the engineer for the land department for many years.

Q. He had great experience, did he not, in measuring culm dumps?—A. I could not say as to that.

Q. Well, he was thoroughly qualified to do it, was he not, from his experience, being connected with the coal business?—A. I suppose he was; yes, sir.

Q. Well, do you think he was as well qualified as you are?—A. I think I am as well qualified as he was.

Q. Better? Do you think you are better qualified?—A. I think I am just as qualified as he was.

Q. I have to agree with you on that, because I do not know. Now, who wrote at the bottom of the map there that Mr. Merriman made in the lower right-hand corner?—A. He wrote that, sir.

Q. He says, "Estimate, 55,000 gross tons available"—A. Yes, sir.

Q. "Exclusive of slush, rock, dirt, etc., of no value, as per Mr. Johnson, inspector"?—A. Yes, sir.

Q. So Mr. Merriman, an experienced engineer, and Mr. Johnson found 55,000 tons of coal, did they not?—A. No, sir.

Q. What did they find there? What does that mean?—A. That means 55,000 tons of material.

Q. In the whole dump?—A. No, sir.

Q. What does it mean?—A. In that part outlined in that blue print.

Q. That means everything that they measured, does it?—A. Yes, sir.

Q. Well, it says "exclusive of rock, slate, dirt, &c.," does it not?—A. Rock, slush, dirt, &c.

Q. So it excludes everything but coal, does it not?—A. No, sir.

Q. And finds 55,000 tons of coal, which is within about three or four thousand tons of what Mr. Saums estimated and what—

Mr. WORTHINGTON. We object to arguing with the witness as to what Mr. Saums said.

Q. (By Mr. Manager STERLING.) And what Mr. Rittenhouse made? You knew that Mr. Saums made a survey of this, did you not?—A. I knew that.

Q. You knew he made it for the Du Pont Powder Co. when they were considering purchasing?—A. Not until I heard it spoken of here.

Q. You know now that he did make it, and made it for that purpose?—A. I did not understand that Mr. Saums made a survey.

Q. He found 40,000 gross tons of material, did he not?—A. I do not know what he testified to.

Q. And Mr. Rittenhouse found something over 85,000 gross tons?

The PRESIDING OFFICER. The Chair thinks all that is in evidence. The witness can not strengthen it by saying it is there. Unless it is intended to ask a question predicated on that—

Mr. Manager STERLING. I will say that I was asking the question for the purpose of comparing this gentleman's estimate with the estimate of these other men, who made their esti-

mate at the time when there were no impeachment proceedings on hand.

The PRESIDING OFFICER. It is not necessary to have testimony from him as to what other witnesses testified.

Mr. Manager STERLING. Very well; I will not pursue it any further.

Q. (By Mr. Manager STERLING.) You say that you knew that Rittenhouse made a survey?—A. Yes, sir.

Q. And he made it not knowing the purpose of his survey, did he not?—A. No, sir; he did not know what was there; he did not know the lay of the ground.

Q. You have made your survey, and were sent by the counsel for Judge Archbald since this trial commenced to make a survey for the purposes of this hearing, were you not?—A. Yes, sir.

Mr. Manager STERLING. That is all.

Redirect examination:

Q. (By Mr. WORTHINGTON.) In view of the cross-examination, what is meant by the reference there to slush, rock, dirt, and so forth?—A. When we—

Mr. Manager STERLING. We object. It speaks for itself.

The PRESIDING OFFICER. The Chair is of opinion that all that evidence is improper. That report speaks for itself, unless it is in ambiguity.

Mr. WORTHINGTON. Very well, Mr. President, I will not abuse your patience further.

The PRESIDING OFFICER. The witness may retire.

Mr. GALLINGER. Mr. President, it has been suggested that both sides are agreeable to an adjournment at this time.

Mr. WORTHINGTON. So far as the counsel for the respondent are concerned we are entirely content.

Mr. Manager WEBB. That is agreeable to us, Mr. President.

Mr. GALLINGER. I then, Mr. President, ask unanimous consent that the Senate sitting as a Court of Impeachment do now adjourn.

Mr. CRAWFORD. May I inquire if it is not possible to close the testimony to-day? The time of the Senate is very valuable, and we ought to get through with this testimony, it seems to me.

Mr. WORTHINGTON. I think, if we could go on, we could close to-day with everybody except Judge Archbald, whom we expect to put upon the stand. Of course, his direct examination will be quite lengthy. We have yet a number of witnesses and some papers to offer in evidence. The testimony of those witnesses will all be comparatively short, I should say, but I think if we should go on and undertake to finish with the evidence, except the examination of the respondent, it would probably take us until 6 o'clock. It is a little hard to tell as to that; but, so far as we are concerned, we are entirely content to adjourn now or to go on.

Mr. GALLINGER. Mr. President, if there is a disposition to go on, of course, I will not make the request. I understood that both sides were rather desirous of adjourning at the present time, but I may have been misinformed.

Mr. CRAWFORD. I simply express the hope that we may finish the testimony, with the exception of the respondent's statement, if possible, to-day on account of the other work we have before us. We have had a vacation of a couple of weeks, and it seems to me we might as well continue until 6 o'clock this evening.

The PRESIDING OFFICER. Counsel for the respondent will proceed with the testimony.

TESTIMONY OF R. M. SALTONSTALL.

Mr. WORTHINGTON. Mr. President, I desire now to make a statement in regard to Mr. Saltonstall, whose name has been mentioned here as one of the persons who sent the notice to Capt. May at the suggestion of the witness, Mr. Holden. Mr. Saltonstall was here yesterday, and we went with him to confer with the managers, and arrived at an agreement which I was about to state. Mr. Saltonstall was very anxious to be allowed to go back to keep an engagement which he had in Boston to-day.

Mr. Manager STERLING. Mr. President, the agreement was submitted to the managers, and we have no objection to the statement going in in lieu of the testimony of Mr. Saltonstall; but it is admitted, I presume, that he is the Saltonstall who represented a part of the Everhart interests?

Mr. WORTHINGTON. Certainly; that is the reason why we desire his testimony.

Mr. Manager STERLING. With that understanding, we have no objection to it.

Mr. WORTHINGTON. The statement is as follows:

R. M. Saltonstall would testify that he wrote the letters of April 13, 1911, to Capt. W. A. May and to Robertson and Law, which are in evidence as Exhibits G and Q, at the suggestion of Mr. Charles P. Holden, who told him that the Hillside Coal & Iron Co. was about to sell the dump on lot 46, referred to in the evidence; that nothing was said to him at that time by said Holden about Judge Archbald; that

he, Saltonstall, when he wrote those letters, had no knowledge or suspicion that any investigation of Judge Archbald was contemplated; and that, so far as the witness knew, Judge Archbald had no interest in the proposed sale.

That, as has been stated by Mr. Manager STERLING, we agree may stand in place of the evidence of Mr. Saltonstall.

TESTIMONY OF ALLEN V. COCKRELL.

Allen V. Cockrell, having been duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) Mr. Cockrell, your full name, please.—A. Allen V. Cockrell.

Q. You are connected in some way with the Interstate Commerce Commission, I believe?—A. I am now a special examiner.

Q. In January and February of 1912 how were you employed?—A. I was confidential clerk.

Q. Of Commissioner Meyer?—A. Assigned to him; yes, sir.

Q. You remember, do you, the time when William P. Boland came from Scranton down to Washington and saw you and Commissioner Meyer?—A. I do.

Q. And you know, of course, of the statement that was taken to the President by Commissioner Meyer?—A. I do.

Q. You prepared that statement, I believe?—A. I prepared a statement, which, I understand, Mr. Meyer took to the President.

Q. I show you the statement which appears in this record on pages 702 and 703. Just glance at it, so as to be able to identify it. Look at it as closely as may be necessary to satisfy you that it is the paper you drafted.—A. (After examining paper.) I identify this as a copy of the paper.

Q. From whom did you get the information which was embodied in that statement?—A. From Mr. William P. Boland.

Q. I believe you were present at a hearing at the Attorney General's office, which took place on the 21st of February, 1912, when Mr. Edward J. Williams was there and was examined, and Mr. William P. Boland and Mr. C. G. Boland?—A. I was.

Q. How did you come to be there, Mr. Cockrell?—A. I do not know. Mr. Meyer told me to go and take those gentlemen to the Attorney General's office.

Q. And you participated in the questioning of Mr. Williams there?—A. The questioning was done by the Attorney General. At times I would make a remark to elucidate some of the statements.

Q. Well, I will not go into the details of that.

Mr. Manager STERLING. That is all.

Mr. WORTHINGTON. One more question. Why was the name of Judge Witmer omitted from this statement?

Mr. Manager FLOYD. We object. Nothing has been said about Judge Witmer.

Mr. WORTHINGTON. Oh, yes. Mr. Meyer was asked about that, and he said—

Mr. Manager FLOYD. I am talking about this witness. You have asked this witness nothing about Judge Witmer.

Mr. WORTHINGTON. No; but I am asking him about it now.

The PRESIDING OFFICER. What is the question?

Mr. WORTHINGTON. I was trying to save time, but I will withdraw the question for the present and ask another. Did Boland, in this same conversation, make charges to you against Judge Witmer?

Mr. Manager STERLING and Mr. Manager FLOYD. We object to that.

Mr. WORTHINGTON. Mr. President, when Mr. Commissioner Meyer was on the stand he was asked about that, and he stated that if Judge Witmer's name was intentionally left out of the paper that was taken to the President it must have been done by Mr. Cockrell and not by him, because Cockrell had the interview. Now, I think we ought to be permitted to show a little something more about the history of this transaction than the managers saw fit to introduce through Mr. Meyer. They called Mr. Commissioner Meyer here as their witness. He did not know anything about Judge Archbald's transactions or anything he had done, and did not give a word of testimony that was competent on any issue in this case, except that the managers stated that they proposed to show the history of the movement or proceeding which resulted in this impeachment. I think that we ought to be able to show, as we propose to show, that the same W. P. Boland who made the charges against Judge Archbald which are embodied in this statement, nearly every one of which has been shown to be utterly false, made similar charges against Judge Witmer at the same time, and that the paper which was prepared and taken to the President omitted entirely any reference to Judge Witmer, but bore only upon Judge Archbald, who happened to be a member of the Commerce Court, to which court appeals lie from the decisions of the Interstate Commerce Commission.

I think that is a part of the history of this transaction with which the Senate ought to be acquainted, because I propose to prove that William P. Boland charged before the Interstate Commerce Commission, as he charged on this witness stand, that Judge Witmer had rendered a decision in the Peale case which he said ruined him, or was intended to ruin him, at the instigation of Judge Archbald. Why, when they embodied in the statement the charge about Judge Archbald, they did not also embody the charge about that other Federal judge is what we want to find out, and I think the Senate ought to know the reason. The entire history of this case, since we have gone back to Commissioner Meyer, ought to be before the Senate. As it is now, it is a mangled proceeding. We have got here a part of it, but we have not got what may prove to be the most important part of it.

The PRESIDING OFFICER. If the evidence were admitted, as to what has been said regarding Judge Witmer, of course, issue could be raised on it as to whether or not what was then said was true or false, and that would open another investigation as to whether or not Judge Witmer had done wrong, which is not involved in this case. The Chair will, therefore, exclude the evidence.

Mr. WORTHINGTON. That being so, Mr. President, I have nothing further to ask this witness.

Cross-examination:

Q. (By Mr. Manager FLOYD.) Mr. Cockrell, I will ask you whether or not you took down this statement in shorthand, or took it down at the time it was made, or made it out from memory after he had made the statement to you?—A. Mr. Boland's statement was made in the morning. I was not asked until late that afternoon to make a memorandum; and I had to rely entirely upon my memory in preparing the memorandum which went to the President.

Mr. Manager FLOYD. That is all.

Redirect examination:

Q. (By Mr. WORTHINGTON.) Is that an accurate statement of what Boland said, or the substance of it?—A. So far as I can remember; yes, sir.

Mr. WORTHINGTON. That is all.

The PRESIDING OFFICER. The witness may retire.

TESTIMONY OF ROBERT C. TRACY.

Robert C. Tracy, having been duly sworn, was examined and testified as follows:

Q. (By Mr. SIMPSON.) You are connected with the Department of Justice?—A. Yes, sir.

Q. In what capacity?—A. Clerk.

Q. Did you make a schedule showing the names and occupations of the jury commissioners of the various Federal districts throughout the country?—A. Yes, sir.

Q. Will you look at the paper I hand you, and tell me, please, whether that is the schedule which was prepared by you?—A. (After examining paper.) Yes, sir.

Mr. Manager FLOYD. We object, Mr. President.

Mr. SIMPSON. In order to get the record straight, I will offer it so that Mr. Manager FLOYD may object to it. I now offer the schedule in evidence.

Mr. Manager FLOYD. We object to it as wholly immaterial. It purports to be a list of jury commissioners and their occupations. We object to it; it is wholly irrelevant and incompetent.

The PRESIDING OFFICER. Jury commissioners of what jurisdiction?

Mr. SIMPSON. Of various Federal districts throughout the country. You may remember, sir, if you will listen a moment so that I may get before you exactly the point of it, that in one of the articles of impeachment—the twelfth article, I think—objection was made to the appointment by Judge Archbald of Mr. Woodward as a jury commissioner, he being a lawyer. This schedule is made up simply for the purpose of showing throughout the country, in all the judicial districts of the country, the names and occupations of the jury commissioners and that a large number of them are in fact lawyers. That bears upon the question as to whether or not there was any exercise of ill faith or bad faith, or whatever you may choose to call it, in selecting a lawyer for that office.

Mr. Manager CLAYTON. Mr. President, has counsel concluded?

Mr. SIMPSON. I have concluded offering the schedule and all I have to say on it.

Mr. Manager CLAYTON. Mr. President, I desire to say that we object to this particular testimony for two reasons. In the first place, if it be a bad custom to appoint lawyers as jury commissioners, the fact that other judges may have indulged in that bad custom can not make it a law. The present occupant of the chair is familiar with the rule, which is funda-

mental, that a custom, even under the law merchant, to become a law must be a good custom.

And again, Mr. President, we object to it because the particular charge here is that he appointed as a jury commissioner a railroad attorney. This list here purports on its face to show no more than that they were attorneys. Perhaps it may not be the subject of criticism for a judge to appoint as a jury commissioner an attorney disassociated with the railroad business, disassociated with the business of the court over which the judge presides.

The very gravamen of this charge is that he appointed not only a lawyer—that is not the test—but that he appointed a lawyer of corporations having litigation before the court over which he presided; and we think it is clear upon that point that this evidence is not admissible.

Mr. SIMPSON. I do not claim that we are proving a custom here in any such sense as the chairman of the managers suggests. The question we have here, sir, is a question of criminal intent, of corrupt action on the part of Judge Archbald, and anything which tends to show that there was no such criminal intent, no corrupt motive on his part, is evidence, the weight of which the Senate will ultimately have to determine.

Now, one of the first steps in showing that is that there has been throughout the country the appointment of lawyers as jury commissioners. Then, when Judge Archbald is on the stand, the next step will necessarily have to be taken, by way of our proofs upon that point, and then the Senate, sir, will pass upon the whole matter.

The PRESIDING OFFICER. The Chair is in grave doubt as to whether or not it is material, but does not think it is a matter of very great importance. It will give the respondent the benefit of the doubt in the mind of the Chair, and let the evidence go in for what it is worth.

Mr. SIMPSON. I will not ask that it be read; I think it would be quite a waste of time; but ask that it be marked as an exhibit and go into the record.

The paper is as follows:

[U. S. S. Exhibit GG.]

Statement showing the names and usual occupations of the jury commissioners throughout the United States.

Judicial district.	Name.	Occupation.
Alabama, northern:		
Southern division.....	J. B. Cobbs.....	Real estate.
Jasper division.....	J. O. Long.....	Farmer, etc.
Western division.....	Frank M. Moody.....	Banker.
Middle division.....	E. T. Hollinsworth.....	Do.
Eastern division.....	R. H. Stickney.....	Druggist.
Northeastern division.....	P. E. Pettus.....	Grocer.
Northwestern division.....	Turner Rice.....	Banker.
Alabama, middle.....	James H. Juddkins.....	Lawyer and farmer.
Alabama, southern.....	Joseph H. Locke.....	Merchant.
Arizona.....	Vernon L. Clark.....	Ostrich farmer.
Arkansas, eastern.....	Wm. P. Feild.....	Banker and planter.
Arkansas, western:		
Harrison division.....	Wm. A. Brittain.....	Merchant.
Fort Smith division.....	Geo. B. Wood.....	Banker.
Texasarkana division.....	Allen Winham.....	Do.
California, northern.....	Frank Dalton.....	Manager, building.
California, southern:		
Northern division.....	C. T. Cearley.....	Stationer.
Southern division.....	U. D. Woolwine.....	Banker.
Colorado.....	Chas. D. Cobb.....	Insurance agent.
Connecticut.....	Chas. E. Pickett.....	Deputy clerk, United States District Court.
Delaware.....	J. Wilkins Cooch.....	Capitalist.
	(Aulick Palmer.....	United States marshal.
	John R. Young.....	Clerk, Supreme Court, District of Columbia.
District of Columbia.....	C. C. Rogers.....	Collector of taxes, District of Columbia.
Florida, northern:		
Pensacola division.....	Walker Anderson.....	Insurance agent.
Tallahassee division.....	G. W. Saxon.....	Banker.
Gainesville division.....	W. B. Taylor.....	Merchant.
Florida, southern.....	Peter E. Dignon.....	Grocer.
Georgia, northern.....	A. L. Waide.....	Real estate.
Idaho.....	Benj. S. Howe.....	Manager water company.
Illinois, northern (northern division).....	Frank H. Jones.....	Banker.
Illinois, eastern.....	Wilber P. Craig.....	Do.
Illinois, southern:		
Northern division.....	H. W. Danforth.....	Lawyer, etc.
Southern division.....	W. O. Converse.....	Capitalist.
Indiana.....	A. Q. Jones.....	Lawyer.
Iowa, northern:		
Eastern division.....	Thomas M. Irish.....	Schoolmaster.
Cedar Rapids division.....	James E. Lawler.....	Real estate.
Central division.....	Harry L. Weiss.....	Do.
Western division.....	William E. Powell.....	Do.
Iowa, southern:		
Central division.....	D. W. Smouse.....	Physician.
Eastern division.....	J. W. Hobbs.....	Insurance agent.
Western division.....	O. H. Lucas.....	Retired from business.
Southern division.....	W. H. Brady.....	Merchant.
Davenport division.....	H. J. McFarland.....	Clerk county court.
Ottumwa division.....	J. C. Jordan.....	Banker.

Statement showing the names and usual occupations of the jury commissioners throughout the United States—Continued.

Judicial district.	Name.	Occupation.
Kansas.....	John Mileham.....	Lawyer.
Kentucky, eastern (Covington division).....	John R. Coppeir.....	Merchant.
Kentucky, western: Louisville division.....	Charles D. Grainger.....	President water company.
Paducah division.....	Museoe Burnett.....	Treasurer water company.
Owensboro division.....	B. T. Field.....	Farmer.
Bowling Green division.....	J. Whit Potter.....	Banker.
Louisiana, eastern.....	Frank H. Mortimer.....	Clerk circuit court of appeals.
Louisiana, western.....	Different persons appointed for each term.	
Maine.....	Frank L. Clark.....	County official.
Maryland.....	Thomas T. Tonzne.....	Insurance agent.
Massachusetts.....	Joseph H. O'Neill.....	Banker.
Michigan, eastern.....	Edw. C. VanHusen.....	Real estate.
Michigan, western: Southern division.....	Charles H. Bender.....	Banker.
Marquette division.....	Joseph S. Courtney.....	Insurance agent.
Minnesota.....	John R. Donohue.....	Lawyer.
Mississippi, northern.....	J. F. Matthews.....	Banker.
Mississippi, southern.....	James Galceran.....	Clerk, railroad commission.
Missouri, eastern.....	Roland M. Homer.....	Lawyer.
Missouri, western.....	Joseph S. Rust.....	Do.
Montana.....	H. H. Piggott.....	Real estate.
Nebraska: Omaha division.....	George Tilden.....	Physician.
Norfolk division.....	George D. Smith.....	Farmer.
Chadron division.....	George A. Birdsall.....	Contractor.
Grand Island division.....	Guy A. Harrison.....	Lumberman.
Hastings division.....	George A. Allen.....	Postmaster.
Lincoln division.....	A. M. Trimble.....	Farmer.
McCook division.....	F. M. Kimmel.....	Publisher.
North Platte division.....	Frank R. Elliott.....	Merchant.
Nevada.....	J. E. Gignoux.....	Miner.
New Hampshire.....	David D. Taylor.....	Baker.
New Jersey.....	Fred S. McNeely.....	Retired from business.
New Mexico.....	Marcelino Garcia.....	Merchant.
New York, northern.....	Sylvester Dering.....	Insurance, etc.
New York, eastern.....	Henry I. Hayden.....	Insurance.
New York, southern.....	Edw. L. Patterson.....	Lawyer.
New York, western.....	Henry G. Seymour.....	Do.
North Carolina, eastern.....	Joseph G. Brown.....	Banker.
North Carolina, western.....	R. M. Rees.....	State official.
North Dakota.....	J. P. Hardy.....	Printer.
Ohio, northern.....	J. J. Sullivan.....	Banker.
Ohio, southern.....	Thos. W. Allen.....	Merchant.
Oklahoma, eastern.....	M. E. Williams.....	Insurance.
Oklahoma, western.....	Geo. W. Ball.....	Real estate.
Oregon.....	T. M. Wood.....	Do.
Pennsylvania, eastern.....	Chas. H. Matthews.....	Lawyer.
Pennsylvania, middle.....	Eugene Zeopling.....	Ex-banker.
Pennsylvania, western.....	Geo. W. Burgruoin.....	Lawyer.
Rhode Island.....	F. H. Jackson.....	Broker.
South Carolina: Charleston division.....	W. M. Bird.....	Merchant.
Greenville division.....	Frank Hammond.....	Banker.
South Dakota.....	Dani. G. Gidden.....	Capitalist.
Tennessee, eastern: Northern division.....	Henry R. Gibson.....	Lawyer.
Southern division.....	Prosper Lazard.....	Fruit farmer.
Northeastern division.....	J. W. Howard.....	Officer fraternal society.
Tennessee, middle: Cookeville division.....	John G. Duke.....	Not known.
Nashville division.....	W. M. Woodcock.....	Publisher.
Tennessee, western: Eastern division.....	W. P. Robertson.....	Merchant.
Western division.....	Harry E. Coffin.....	Ex-merchant.
Texas, northern.....	C. D. Hughes.....	Farmer.
Texas, eastern.....	Geo. B. Dobson.....	Produce broker.
Texas, southern (Galveston division).....	E. C. Bartholomew.....	Capitalist.
Texas, western.....	Josiah Barnett.....	Banker-broker.
Utah.....	David W. Temple.....	Farmer, etc.
Vermont.....	Harvey Willson.....	Lawyer.
Virginia, eastern.....	Alford B. Percy.....	Do.
Virginia, western.....	Dana Child.....	Banker.
Washington, eastern.....	Earl R. Jenner.....	Lawyer.
Washington, western (northern division).....		
West Virginia, northern: Philippi division.....	Worthington Chenoweth.....	Dentist.
Clarksburg division.....	J. J. Jackson.....	Lawyer, retired.
Martinsburg division.....	A. C. Nadenbousch.....	Lawyer.
Wheeling division.....	Jacob W. Grubb.....	Jewelry merchant.
Parkersburg division.....	John G. Hogan.....	Treasurer, building association.
West Virginia, southern: Charleston division.....	Jas. F. Cork.....	Lawyer.
Huntington division.....	B. F. Morris.....	Farmer.
Bluefield division.....	J. H. McCullough.....	Insurance agent.
Addison division.....	Jas. Woodell.....	Hotel man.
Wisconsin, eastern.....	Chas. H. Swan.....	Sales agent.
Wisconsin, western: Madison division.....	John Corscot.....	Corporation official.
La Crosse division.....	John F. Doherty.....	Lawyer.
Superior division.....	Carl L. Wilson.....	Do.
Wyoming.....	John Harrington.....	Merchant.
Alaska, first division.....	Geo. F. Forrest.....	Proprietor of a machine shop.
Porto Rico.....	Albert Lee.....	Merchant.
Hawaii.....	Richard H. Trent.....	Not known.

¹ Has no jury commissioner at present.

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF WEST VIRGINIA,
Parkersburg, October 7, 1912.

The ATTORNEY GENERAL, Washington, D. C.

SIR: Replying to the department's letter dated September 26, 1912, initials J. J. AGM, I beg to advise I have made inquiries of A. C. Nadenbousch and J. J. Jackson, jury commissioners, respectively, for Martinsburg and Clarksburg, with respect to the information desired, and beg to report first with reference to Mr. Nadenbousch:

He is regularly retained as attorney by the Cumberland Valley Railroad Co., a small railroad operating in that region, I understand running between Harrisburg, Pa., and Winchester, Va.

After having ascertained this fact I reported the same to Judge Dayton, who directed me to say that if for any reason the department would consider Mr. Nadenbousch's office of jury commissioner inconsistent with the employment noted above, he will request his resignation and appoint some one in his stead. Mr. Nadenbousch was appointed by the former Federal judge, Hon. John J. Jackson, and Judge Dayton was not cognizant of his employment by the railroad in question, and in fact the subject had never been under discussion during Judge Dayton's tenure of office. Our next regular term of court at Martinsburg does not convene until next April.

With respect to Mr. J. J. Jackson, jury commissioner at Clarksburg, he is not retained by any railroad or corporation, and in fact informs me he is entirely out of the active practice of the law.

Very respectfully,

C. B. KEFANVER, Clerk.

Mr. Manager FLOYD. We have no questions.

The PRESIDING OFFICER. The witness may retire.

TESTIMONY OF JOHN T. BROWN.

John T. Brown, being duly sworn, was examined and testified as follows:

Q. (By Mr. MARTIN.) Where is your home?—A. Scranton, Pa.

Q. What is your business?—A. I am employed on the Scranton Times as a reporter.

Q. How long have you been employed as such reporter on that paper?—A. Ten years.

Q. Were you working on that paper in April, 1912?—A. Yes, sir.

Q. Do you remember the date on which the articles appeared in your paper for the first time with reference to Judge Archbald?—A. Yes, sir.

Q. I show you the Scranton Times bearing date April 22, 1912, and ask you if that is the paper in which that first appeared in Scranton?—A. (After examination.) Yes, sir; this is the first one.

Q. The article in the paper entitled "Charges filed against Judge R. W. Archbald, of the Commerce Court," is the first appearance of any newspaper article published in Scranton?—A. Yes, sir.

Q. Do you recollect the appearance of the article in the Philadelphia North American?—A. Yes, sir; I think it was the same day. It was the morning of the 22d of April.

Q. I show you the copy of the Philadelphia North American dated Monday, April 22, and ask you if that is the edition of that paper in which the articles first appeared?—A. (After examination.) Yes, sir.

Q. What time does the Philadelphia North American circulate in Scranton? I mean what time of the day would that newspaper reach Scranton for circulation?—A. Well, I do not know anything about the general circulation of the North American through the city, although it has quite a circulation, except we get two copies of it at our office, delivered by a newsboy, every morning about 9 o'clock.

Q. I think you misunderstood my question. I asked what time of the day it appeared in Scranton?—A. That is what I have said—9 o'clock in the morning.

Q. That is the first time it appears there—9 o'clock in the morning?—A. That I have any knowledge of.

Q. What time of the day is the Scranton Times published?—A. The first edition of the Scranton Times gets on the streets of Scranton about half past 1 o'clock in the afternoon.

Q. Can you say whether this paper I have shown you, the Scranton Times, was the first or last edition, or what time of day this edition does appear upon the streets of Scranton?—A. We have three editions a day; one that gets on the streets about half past 1; the second one gets out about half past 3; and the last about quarter past 4—that is our last edition, the stock extra.

Q. That would appear on the streets, then, about quarter past 4 of that date?—A. Yes, sir.

Mr. MARTIN. You may cross-examine.

Mr. Manager WEBB. We have no questions.

The PRESIDING OFFICER. The witness may retire.

TESTIMONY OF GEORGE M. WATSON.

Mr. SIMPSON. Mr. President, I desire to offer in evidence the testimony of George M. Watson, as taken by the Judiciary

Committee of the House of Representatives and published at pages 1317 to 1401 of those proceedings.

Mr. MANAGER FLOYD. Mr. President—

Mr. SIMPSON. Pardon me one minute. We submitted this to the chairman of the managers, or, rather, the question of putting in only a part of it, and the chairman of the managers has told us to-day that he prefers to have the whole testimony go in. We do not ask to have it read, because it would take the larger part of the day to do so, but there are parts of it that both sides would like to refer to, and so I ask that it all go in. The witness is ill; and the managers tried to get him and reported they could not; and he is unable to leave his room, I understand.

Mr. Manager FLOYD. That is satisfactory. I simply desired to object to reading portions of the testimony.

Mr. SIMPSON. We do not desire to read any of it.

The PRESIDING OFFICER. If there be no objection it will be incorporated as a part of the record in this case.

Mr. WORTHINGTON. Then it ought to be printed in the record as if it had been given here.

The PRESIDING OFFICER. Undoubtedly—

Mr. SIMPSON. Yes; but we are not going to read it.

The PRESIDING OFFICER. The same as if the witness had been on the stand here.

Mr. POMERENE. If it is not out of order, Mr. President, may I ask to what charge this applies?

Mr. SIMPSON. It relates to the second article, in the matter of the attempt to settle the controversies between the Marian Coal Co. and the Delaware, Lackawanna & Western Railroad Co.

The matter referred to is as follows:

George M. Watson, being first duly sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Watson, please give your full name, your address, and your occupation.

Mr. WATSON. My name is George M. Watson. I live in Scranton, at 1659 Jefferson Avenue. My office is at present 322 Connell Building. It was 822 until very recently. I moved downstairs several flights.

The CHAIRMAN. And your occupation?

Mr. WATSON. My occupation is that of a lawyer, an attorney.

The CHAIRMAN. How long have you known Edward J. Williams?

Mr. WATSON. A good while; I could not tell, but I remember him as a mine foreman many years ago, when he was employed. For many years he has not been employed as a miner, working about the mines, and when he was employed I knew him. I judge it was—well, twenty-odd years ago.

The CHAIRMAN. What has been his occupation since he quit mining?

Mr. WATSON. I really do not know. Until the last year or two I met him very infrequently, and I do not know.

The CHAIRMAN. What has he been doing in the last year or two?

Mr. WATSON. I hardly know that. I have seen him on the street. There seem to be two blocks which we have to travel very often to get to the courthouse and to the post office, and he is moving along the street there when I see him.

The CHAIRMAN. Do you know of his operating any culm banks or doing any of that sort of business?

Mr. WATSON. I never knew that he did. Since this suit began I have understood that he was indirectly interested in this coal company or this culm washery.

The CHAIRMAN. How long have you known Judge Archbald?

Mr. WATSON. A great many years; I judge 30; maybe longer—32.

The CHAIRMAN. Will you please state in your own way, but fully, just how you became retained by the Bolands to negotiate the sale of their interest in the Marian Coal Co. to the Delaware, Lackawanna & Western Railroad, and just how and by whom those negotiations were conducted from the time you were originally employed by the Bolands, up to the present time.

Mr. WATSON. What moved Mr. Boland to come to my office. I do not know. He came to my office, my recollection is, some time in August; perhaps the latter part.

The CHAIRMAN. Which Boland, and when?

Mr. WATSON. That was C. G. Boland, in August of last year. I will not be positive about that. My better judgment would be September; but there has been so much in the testimony here about August that I may be mistaken, and it might have been August. I made no note of it, and all the data I did have I gave to Mr. William P. Boland when I returned the papers to him, I think about the 10th day of October.

Mr. Boland came to my office and told me that he desired to get rid of this washery, to sell it; and he said, "I am satisfied that you can sell the washery for me." I told him I knew nothing of it, and he said they had a lawsuit, and I never heard of that either. It seems to me it was Peale, Peacock & Kerr, the way he gave the name—and I know something of them as coal men—had begun an action; perhaps it was an equity proceeding; I have forgotten just what it was; but, at any rate, it was brought in the United States circuit court for that district, years before—I do not know how long before, but a couple of years before that, and that they had a judge that had been appointed quite recently, Judge Witmer, and he asked me if I knew him. I told him I did just know the man—that was all; I never talked with him much and never practiced law before him any, so I did not know him much. Well, he wanted something done by which we could find out if that case could be adjusted. It seems that they were talking about rates, or there was some difficulty about what interest Peale had, or if he had any interest, and he had made advances of money or something like that, and he wanted to know if I could get the data. Now, this was C. G. Boland. I had not seen W. P. Boland at that time, or for some time after. I told him I would look the matter up, but I did not know that I could help him in that direction. He finally suggested to me that if I could see Judge Archbald and talk with him about it, he might in some way get me to Witmer. He knew, I suppose, that I had known Judge Archbald for many years.

I did not go to Judge Archbald, however. I went over to the court and looked up the record at that time, and I found an action had been

begun; I found there had been a demurrer; I found it had been disposed of; I found that a commissioner had been appointed to take testimony, and I found that they had taken the testimony and closed the case, and that the report was then in the hands of Judge Witmer. That is what I discovered when I first went into this case.

I told Mr. Boland that that was the status of the case, and I said, "It is all in the hands of Judge Witmer now, and the arguments are all over." Well, he did not like it. He did not like that way. He said there ought to be some way of getting into that court and getting the court to understand the case better than he knew they did; and there was some comment made upon Mr. Donnelly. This was the first I knew that Mr. Donnelly was connected with that case.

Finally, after three or four meetings with Mr. Boland—and these meetings may not have been planned, because my office was so located that Mr. Boland was obliged to pass it in going to the Underwriters' Insurance office, which was two doors beyond me; he passed there every day, sometimes a couple of times a day, and he may have dropped in casually. I do not know that he came over purposely to see me, but he came in, as I say, frequently, three or four or five times, before Mr. W. P. Boland came into the case at all.

Then he made a suggestion to me that they would like to sell this property, and asked me if I thought I could negotiate with the Lackawanna road, and I told him perhaps I could; I did not know; I knew some of the men, but some of them I did not know, that were connected with the road. They had been comparatively newcomers to me, you know. The road has changed management within a dozen years, and some of those people are there that I do not know. But after a while he told me that he would like to retain me to do this work for them, and that he would give me \$5,000 for a fee if I could get the Lackawanna Railroad to take this property. Now, he did not fix any price at all. There was not a price fixed at that meeting as to what I should ask or what I hoped to get. He said: "I will take it up with my brother. If he agrees to this, I will come and see you, and you can commence negotiations."

Then I think Mr. W. P. Boland came over to the office, and the two were there together, and there was some little discussion as to the status of this case. This case in the United States court seemed to be the trouble. They were afraid of a decree, and it was getting close to it, and they wanted something done with that case. I suggested—I think Mr. W. P. Boland suggested—that there ought to be a way of getting a rehearing, and he pulled out of his pocket a roll of type-written papers and showed me discrepancies in the testimony, and things that would seem, taken in that way, to build up a case so that they might be entitled to relief. Whether he knew that he was not going to get relief, Mr. Boland did tell me that they were beaten in this United States court proposition, and he told me that a man told him they were beaten, and he said, "I could have told you that months ago," and he named the man that told him. So he believed, I fancy, that this—

The CHAIRMAN. Let us have it all. You say he named the man?

Mr. WATSON. He did; he named the man.

The CHAIRMAN. State his name.

Mr. WATSON. His name is Searle—E. R. W. Searle, I think it is, or E. W. R. Searle. I have forgotten the name, but it was two or three letters anyway.

The CHAIRMAN. Who was that?

Mr. WATSON. E. R. W. Searle was the clerk of the circuit court and district court of the middle district of Pennsylvania.

The CHAIRMAN. And who was the judge of that court?

Mr. WATSON. At this time? Judge Witmer.

The CHAIRMAN. Who was it that had been the judge before that, when he "could have told him months before that he was beaten"? Who was the judge at that time?

Mr. WATSON. He did not say who told him months before, but the judge before that, his predecessor, had been Judge Archbald. He had been there for a number of years—from the organization of the court.

The CHAIRMAN. How recently had Judge Witmer come upon the bench before this talk of yours with the Bolands?

Mr. WATSON. I could not tell you, Judge; I could not tell you. In fact, I have not been in very good thinking order for about a year.

The CHAIRMAN. You have not been in good thinking order for about a year?

Mr. WATSON. Yes; and I can not go back and give dates.

The CHAIRMAN. What time do you fix, if you can, when this conversation occurred with the Bolands that you have spoken of?

Mr. WATSON. My recollection would be—my own independent recollection would be—that it was in the month of September, and toward the middle.

The CHAIRMAN. 1911?

Mr. WATSON. 1911. Now, as I say, Judge Witmer came on the bench at the organization of the Commerce Court.

The CHAIRMAN. This conversation with the Bolands happened before the decree was rendered, did it not?

Mr. WATSON. Yes; there was no decree when I looked at the record. There had been no decree then, because I suggested to him, when he told me that, that the orderly way to proceed would be to draw up a petition setting forth the fact that the judge had not properly discussed or digested the evidence, and ask for a reargument. I suggested it to Boland; told him I would join with his Mr. Donnelly, after I found Mr. Donnelly was there, and present the petition; so I know that the decree had not been handed down at that time. Then I told him right there at that time that after the decree was handed down the way to do was to go into the—

The CHAIRMAN. When was it that that clerk said that he could have told this months before?

Mr. WATSON. Well, in the light of present events, I would not want to say that he ever said it. The clerk never said it to me. He said it to Mr. Boland, so Mr. Boland said, and I am not so sure now. At that time I thought perhaps there had been something of that kind said.

The CHAIRMAN. But you do not know of it of your own knowledge?

Mr. WATSON. Oh, no.

The CHAIRMAN. What time did Boland fix?

Mr. WATSON. He did not fix any time at all.

The CHAIRMAN. You said the clerk told him.

Mr. WATSON. Yes; the clerk told him that he was beaten.

The CHAIRMAN. That he could have told him that months ago?

Mr. WATSON. He could have told him that—now, that is what I understood Mr. Boland to have said. This matter was going along so that they had another matter that seemed to annoy them, and that was an adjustment before the Interstate Commerce Commission. I knew nothing about the practice; I never had had a case before the Interstate Commerce Commission, and we did some little talking about it, and Mr. Boland furnished me maps—that is, a distance map, you call it—showing the towns along the lines where they were selling anthracite.

I think it went as far west and southwest, perhaps, as St. Louis, as far north as Duluth—somewhere up in there—and west of Buffalo, and various points. Many New York State points, many Pennsylvania points, and New Jersey, were on this map, and the lines were drawn from a center leading to this place, the mileage put on, and the rate per ton that they charged. That was one of the papers that he gave me.

The CHAIRMAN. Mr. Watson, going back now to the conversation with the Bolands, you say that was in August or September of 1911?

Mr. WATSON. Yes; my judgment would be it was in the middle of September.

The CHAIRMAN. But since you heard the witnesses testify here fixing it in August, you are in doubt about it?

Mr. WATSON. Well, I could not say that.

The CHAIRMAN. What do you say?

Mr. WATSON. I am not in doubt, but I am perhaps leaning toward the date in August, not having it fixed in my mind and not having made any memorandum. If so many men know it was in August, why, I am not so stubborn that I would not—

The CHAIRMAN. It was before the decree was entered?

Mr. WATSON. Yes; it was before the decree was entered.

The CHAIRMAN. If the decree was entered on the 24th day of August, this conversation which you had with the Bolands must have happened in August?

Mr. WATSON. Yes; and that does refresh my mind now, my recollection of the matter. I am satisfied now that it was somewhere about two or three days before that decree, because I remember the fact of the decree coming down and Mr. Boland coming to my office and telling me.

The CHAIRMAN. What refreshes your mind and makes you now locate it two or three days before the date of the decree?

Mr. WATSON. Because we were discussing this matter just a day or two before that, and I was surprised to think that the decree came down as early as it did, because they had taken the papers and gone away with them, as I understood it.

The CHAIRMAN. The fact that you yourself felt surprised at that time now refreshes your memory about it? Is that so?

Mr. WATSON. Well, no; I would not exactly say that, but I recall that I thought that we would have a number of days, perhaps weeks, to examine this matter, and the decree came down so soon after we had discussed it that when Boland came and told me, I will admit that it surprised me a little. I did not think it would be handed down so quickly, but I did not know when the judge had heard the arguments, from what Boland told me. But perhaps when I looked at the record I did know. I do not recall now.

The CHAIRMAN. Did you have any conversation with Judge Archbald before that decree with respect to this matter?

Mr. WATSON. No; I never had any conversation with Judge Archbald, except one day I was in his office, talking about other matters, and I told him that the Bolands had employed me, and asked him what the practice was in the United States Commerce Court, and whether they had original or appellate jurisdiction. I never had read the bill; that is how dull I was on that subject. He told me as best he could, and I told him that I had a matter that would probably come up before that court—I did not know; we would have to try it out before the Commerce Commission; that Mr. Boland had retained me, and I wanted to know what to do, and where we would have to jump if we got through with this. Finally, I said to him, "I am going to offer this property to some one else, to some purchaser." I do not know whether he inquired, or whether I told him without inquiry, that I was to offer it to the Lackawanna. In the course of that conversation I said to Judge Archbald that I regretted that I never had met Mr. Loomis. I had met Mr. Truesdale, but I never had met Mr. Loomis, and he was at the head of the coal department. So either I asked him to write a letter or he volunteered to get me acquainted or get me in some way to Mr. Loomis, so that I could talk with him. Now, that is the beginning and the end of Judge Archbald, so far as I know, in this case.

The CHAIRMAN. Can you locate the time that you had this conversation with Judge Archbald in his office?

Mr. WATSON. I think it was before they handed down the decree, a day or so. It was right in that time.

The CHAIRMAN. While you were there in the judge's office was either Christy Boland or W. P. Boland sent for by Judge Archbald?

Mr. WATSON. I have no recollection of meeting Christy Boland or W. P. Boland in Archbald's office. I read that in the testimony, and I have no recollection of it at all.

The CHAIRMAN. You said a while ago, I believe, that your memory is not very good now.

Mr. WATSON. Well, I said that my memory—I do not intend to make statements that are not true, and I want to remember them before I make them. Now, I will admit that I have not been as well for a year as I had heretofore, and I find that sometimes I forget things.

The CHAIRMAN. Do you not think it likely that you would remember who was present at the conversation that you had in Judge Archbald's office?

Mr. WATSON. I certainly would.

The CHAIRMAN. Who was there besides you and the judge?

Mr. WATSON. When I talked with Judge Archbald?

The CHAIRMAN. Yes.

Mr. WATSON. Nobody but myself and Judge Archbald, and I stood up. I did not even go through the formality of sitting down. I went in and said, "Hello," or something like that, and then asked him.

The CHAIRMAN. At that time, or at any other time, did Christy Boland come in and participate in the conversation had between you and Judge Archbald?

Mr. WATSON. When you say "any other time," I don't know that. There may have been some time, but not in relation to this case, he never did.

The CHAIRMAN. I am talking about this case.

Mr. WATSON. No; no, sir. I think that is a mistake. Christy Boland never was in the office with me in relation to this case—in Judge Archbald's office—not to my recollection.

The CHAIRMAN. Do you not remember that Judge Archbald suggested at that time to Christy Boland that you ought to have a paper giving you a fee of \$5,000 in case you put the proposed deal through, the sale of the property?

Mr. WATSON. Well, that was entirely new to me; and my memory is good enough, and always has been good enough, so that I would remember if there had been any such solicitude on the part of Judge Archbald or anybody else in my behalf. It is not true; absolutely false. There was no such statement ever made.

The CHAIRMAN. Did you ever get such a paper?

Mr. WATSON. I never did, sir—never.

The CHAIRMAN. Did you have any understanding with the Bolands about the fee that you would get in case the Marian Coal Co. property was sold?

Mr. WATSON. Why, a business man that assumes to be doing business comes into my office, and he wants to fix the fee, and he does, and he mentions the amount of \$5,000 for the fee. I did not need a paper.

The CHAIRMAN. You said "a business man."

Mr. WATSON. Yes.

The CHAIRMAN. Do you mean by that that Boland came into your office?

Mr. WATSON. Why, surely.

The CHAIRMAN. And proposed to give you a fee of \$5,000 if you were successful in negotiating the sale of the Marian Coal Co. property?

Mr. WATSON. I do not know that "if I were successful" was mentioned at all. I don't think it was at that time, when he first offered me the \$5,000.

Mr. WORTHINGTON. Which Boland?

Mr. WATSON. Mr. C. G. Boland. I never talked with W. P. Boland about fees.

The CHAIRMAN. But you do remember that you were to have a fee of \$5,000?

Mr. WATSON. Yes, sir.

The CHAIRMAN. On account of the sale of that Marian Coal Co. property?

Mr. WATSON. Surely; that is right; and no other fee—only that.

The CHAIRMAN. Mr. Watson, will you please look at this paper and see if you ever had the original or a copy of that paper, or ever saw the original or a copy of that paper before?

Mr. WATSON (after examining paper). I have no recollection of ever seeing anything like that before. There is one part of that paper that I remember was discussed.

The CHAIRMAN. This paper reads:

SCRANTON, PA., August 23, 1911.

C. G. BOLAND, Esq., Scranton, Pa.

DEAR SIR: In reference to the matter of G. M. Watson being taken into the case of the Marian Coal Co. against the D., L. & W., would say, in confirmation of what I told you heretofore, that if through the efforts of Mr. Watson a satisfactory settlement is brought about, the Marian Coal Co. agrees to pay him \$5,000 for such settlement.

Of course Mr. H. C. Reynolds has been in this case from the beginning and will be attorney in it until its final settlement.

Very truly, yours,

MARIAN COAL CO.,
—, President.

This copy has a blank and the word "President" underneath; but did you see a paper of which this is exactly a copy with the exception that Mr. W. P. Boland's name is omitted from this paper at present? You say you saw no such paper?

Mr. WATSON. There is one paragraph there—I do remember a conversation in which Mr. Reynolds was named as being the attorney in the rate case. If that is what they mean, in the rate case—that is, the matter before the Commerce Commission—and Mr. Reynolds was to receive some money out of this money that I got from the Lackawanna if I were to get it. I know we did talk about that, and I think the fee was fixed by W. P. Boland at \$12,500, or something like that. Now, that is my recollection of it.

The CHAIRMAN. You were to have a fee, then, from the Bolands for the sale of the Marian Coal Co. property, but no fee in the Interstate Commerce Court case?

Mr. WATSON. Oh, no; it was altogether. It was altogether, but Mr. Reynolds was not their attorney in the Marian Coal Co. case in the United States court. Mr. Reynolds was the attorney before the Interstate Commerce Commission. Mr. Donnelly was the attorney in the United States court, and Mr. Reynolds did not appear there, so far as I know.

The CHAIRMAN. I should like to have you tell the committee just exactly what you were employed to do.

Mr. WATSON. I was employed finally, after we got down and talked it all over—there were a number of meetings before we got down to what I was to do. I was to present the rate claim to the Lackawanna Railroad, and collect from them—well, something in the neighborhood of \$300,000. Three hundred and some odd thousand dollars was the claim, and I whittled it down to about sixty, and told them that that was all they could get, if they got anything. They had some exemplary damages, and it piled up four times the amount of the freight, or something of that sort; and I whittled that down to the actual damages as allowed under the law, and it amounted to about \$60,000, as I recall it. The coal property was to be \$100,000, and the \$60,000 made \$161,000 when added together, and that is what I asked the Lackawanna Railroad—\$161,000.

The CHAIRMAN. Did Judge Archbald have anything to do, by way of suggestions or assistance to you, with your negotiations for the settlement of that matter against the Delaware, Lackawanna & Western Railroad?

Mr. WATSON. My recollection is that Judge Archbald said he would give me an introduction to Mr. Loomis. My recollection is that Judge Archbald did not do it.

The CHAIRMAN. That he did not do what?

Mr. WATSON. That he did not give me the introduction.

The CHAIRMAN. He did not give you the letter?

Mr. WATSON. He did not. I still have a recollection that Judge Archbald said that he had written a letter—that is, that he told me he had—to Mr. Loomis.

The CHAIRMAN. Do you remember when he told you that, that he had written it?

Mr. WATSON. It was right after I was over in the office looking up the record. Now, I have an indistinct recollection that that is what he said, that he would introduce me. In the first place, I never had met Loomis, and Loomis was coming to Scranton every two weeks, as remarkable as that may be, and he was around the clubs there; but I never happened to meet him, and I regretted that when I was talking about endeavoring to make a settlement, that I did not know Mr. Loomis, who was the man we would have to settle with. He was at the head of the coal department. Judge Archbald said, "Why, I know him very well, and I will give you a letter"—something of that sort. He never gave me the letter. Now, whether he wrote a letter or not, I don't know; but my recollection is that he told me that; but that did not make the meeting, because I have a carbon copy of the very letter that we had the meeting on right here, and I know when it happened, pretty nearly, now.

The CHAIRMAN. What is that paper you have?

Mr. WATSON. It is a carbon copy of a letter dated October 2, 1911.

Exhibit 86.

Mr. E. E. LOOMIS,
Vice President Delaware, Lackawanna & Western
Railroad Co., 30 West Street, New York City.

DEAR SIR: In relation to a matter existing between the Marian Coal Co. and your road and coal department, and also a claim against the traffic department of your road, which I have had under consideration here and with which I presume you are more or less familiar, I decided, after a conference with your Mr. Phillips, of the coal department, to ask for a meeting with you and the president of your road, Mr. Truesdale, if convenient, at the earliest time you could find your way clear to meet me, either in New York or Scranton. If you will kindly advise me either by wire or letter, I will hold myself in readiness to meet you on a few hours' notice.

I am, very truly, yours,

That is not signed, but it is my letter, and my carbon copy.

The foregoing letter was subsequently marked by the stenographer "Exhibit 86."

The CHAIRMAN. What date is that?

Mr. WATSON. It is dated October 2, 1911.

The CHAIRMAN. What did you do after that letter? What happened?

Mr. WATSON. I think that is when the negotiations began with the Bolands. I think they came over, and we talked it over, and I told them what I had done, and, in fact, perhaps they knew that I was going to do this, and it was a busy week then. We talked a good bit about it, because I expected an answer to this letter saying when they would meet me, and I expected that meeting would take place on the following Monday, because I was advised by Mr. Phillips that Mr. Loomis would be in Scranton on that day, Monday or Tuesday, and there was more or less talk about it. Then, I had gone into the case far enough, if you will pardon me, to know that our claim for damages on account of the shipping charges was not in good shape to present to any company, and that brought the Bolands and myself together more or less during that week.

When we got up to about Thursday or Friday, Mr. C. G. Boland came in my office, and I called his attention to the fact that we would simply go before these people and they would laugh us out of the office; that we would have nothing to stand upon—that is, nothing definite to present to them—in relation to the rate business. He told me then that Henry Meeker, surviving executor of the firm of Meeker & Co., had a case that they had appealed and was going to be argued in the Commerce Court, and he could give me very little information about it, only what the newspapers said or what he had learned from somebody, or what Mr. Reynolds had said or what somebody else had said, and I could get no information about it. So I said to him, "Now, if my conclusions are right, and Mr. Loomis answers this letter, and Mr. Loomis comes to Scranton, he will expect to meet me, and I would like to have something to meet Mr. Loomis with." I said, "The only orderly way to do it is to study the Meeker case, and the only way to study the Meeker case is to get the briefs or get the record, and that is in Washington."

C. G. Boland said, "Well, go down and get it; go down and get it." After some considerable talk, I think the following morning—I am quite sure it was the next day—he came in and asked me if I could go to Washington. Now, as I recall it, that was on the 6th. I won't say the dates, but it was on Friday; I remember that; and I think the 6th day of October. If I am right, I sent a telegram that day, and I think that is the day. Now, I sent that telegram, and wrote it in my office on the day that it is dated, for this reason: I said to Mr. Boland, "It will be Saturday when we go to Washington, and if they do business in Washington as they did 10 or 12 years ago, when I knew something about it, they always go away on Saturday, and we will find the doors closed and locked; and how I can get into any clerk's office on Saturday I don't know."

The CHAIRMAN. That was in the good old days.

Mr. WATSON. Perhaps, Judge, that might be. I do not know how that was. I was here more than I have been in recent years. There was some talk about it, and finally it was decided that I would send this telegram to Judge Archbald. Now, I am just as sure as I am that I am here now that Mr. Boland suggested that I send it to Judge Archbald, because we knew him—we all knew him, and he was the only man I did know connected with any of those courts down there. So I wrote that telegram, which I can not exactly repeat, but I remember my wife at that time was down in the Pocono Mountains and I wanted to spend as much time as I could with her, and I did not want to come away and be gone on Sunday or over Sunday without letting her know. So I wired Archbald to wire me if he could meet me on Saturday, and to wire me at East Stroudsburg, and I went to Stroudsburg that day. Now, I either went to Stroudsburg at 1.40 or at 3.40, because those are the two trains going down there, and the only two after 10 o'clock in the morning, and from there I remember taking an early train, and I came to Washington.

To go back, when I got off the train at East Stroudsburg I received this, which I suppose is responsive to the telegram that I sent him. I presume I asked him what time and place, or something like that. I could see him in Washington, and he answered: "George M. Watson, East Stroudsburg." To go back, it is dated "Washington, D. C."—"Almost any time you wish."

Mr. FLOYD. What day of the month?

Mr. WATSON. That is dated "10/6/1911."

The CHAIRMAN. That is the 6th day of October, 1911, is it not?

Mr. WATSON. Yes, sir.

The CHAIRMAN. If you will hand me that, Mr. Watson, the stenographer will designate it.

The telegram above referred to was marked "Exhibit No. 85."

The CHAIRMAN. The envelope can be pinned to it.

Mr. WATSON. This envelope, I judge, was addressed by the boy. I see he has tacked on 20 cents.

The CHAIRMAN. Mr. Watson, will you look at this paper that I have here? It purports to be a telegram, dated October 6, 1911, and is referred to in the testimony heretofore given as "Exhibit No. 10-A." Look at that and see if you identify it.

Mr. WATSON (after examining paper). Yes, sir; that is my signature. I wrote it myself.

The CHAIRMAN. How does it read?

Mr. WATSON. I don't think I dated it, but it was dated about that day, I am sure.

The CHAIRMAN. Read it.

Mr. WATSON. "Hon. R. W. Archbald"—

The CHAIRMAN. With the date.

Mr. WATSON. The date is October 6, 1911.

Hon. R. W. ARCHBALD,

Judge Court of Commerce, Washington, D. C.:

Wire me East Stroudsburg what time to-morrow I can meet you in Washington.

G. M. WATSON.

The CHAIRMAN. And you say this telegram that you have just referred to, and which is now in the testimony as Exhibit No. 85, was the reply to that telegram that you have just read?

Mr. WATSON. I judge so, because it is the only one I received. It must be so. This is my telegram to him, surely.

The CHAIRMAN. Yes. Now, do you not know, having looked at this telegram, that the same man who signed "G. M. Watson" to that wrote that date, October 6, at the top of that telegram? Is it not the same handwriting?

Mr. WATSON. Well, it may be. I would not say.

The CHAIRMAN. Look at it.

Mr. WATSON. I did not look at it carefully.

The CHAIRMAN. You are familiar with your own handwriting. Did you write that "October 6"?

Mr. WATSON. Well, when I look at it again—

The CHAIRMAN. Look and see if you did not write that.

Mr. WATSON. What started me is because it is not the same colored ink as the body of the telegram. That is, it looks as if it might have been written at a different time. But I have no doubt but what I wrote "October 6," since I look at it now.

The CHAIRMAN. Is not that your handwriting—"October 6, 1911"?

Mr. WATSON. I think so. I think so; yes. I think that is right. It is so, I think. If not, I forgot to date it, and somebody did it.

The CHAIRMAN. Why did you say a while ago that you did not think that you wrote the date there, "October 6, 1911"?

Mr. WATSON. Because the ink did not look the same color to me; that is all; and I thought it had been dated at another time.

The CHAIRMAN. Look now, and see if that ink is not colored exactly like the "G. M. Watson."

Mr. WATSON. Well, I did not look at the "G. M. Watson" enough to know.

The CHAIRMAN. Perhaps a blotter was used, and it was not spread on quite so thickly in the case of the date.

Mr. WATSON. Now, pardon me a moment—

The CHAIRMAN. See if it is not the same.

Mr. WATSON. I have a little mist here; I will wipe my glasses, and then I can look at that more carefully. I am an expert on handwriting, and I can tell that in about a minute, as it impresses me, anyhow. [After examining paper.] Well, on reflection, I would say that it was the same color and written at the same time.

The CHAIRMAN. The whole, every word, from start to finish?

Mr. WATSON. Well, the body of the telegram looks darker to me, but I wrote it.

The CHAIRMAN. The body of the telegram is darker than your signature, is it not?

Mr. WATSON. It is darker than my signature and darker than "October 6."

The CHAIRMAN. The "October 6" and your signature seem to be exactly the same shade or color.

Mr. WATSON. They do; the same shade. Oh, there is no question about this telegram, Judge. I wrote it. It was written in my office and handed to—

The CHAIRMAN. I did not think so, but you expressed a little doubt in the beginning.

Mr. WATSON. There is no question at all about it.

The CHAIRMAN. I did not know how material it was; but still I thought it was well enough to have you bring out what is manifestly the truth about it.

Mr. WATSON. There is no question at all about it.

The CHAIRMAN. Now, you say that one of the Bolands talked to you before that decree was rendered about the Meeker case, did he not?

Mr. WATSON. I think they did; I think they talked about the Meeker case from the time that William Boland came in the case; he talked very frequently.

The CHAIRMAN. At the first conversation that the Bolands had with you about your employment did they not discuss the Meeker case with you? Is not that what you said?

Mr. WATSON. I think not.

The CHAIRMAN. When did they discuss the Meeker case?

Mr. WATSON. When Mr. W. P. Boland came over, when we were talking about it.

The CHAIRMAN. When was that?

Mr. WATSON. Oh, within two or three days.

The CHAIRMAN. That was before the decree was rendered in the Marian Coal Co. case?

Mr. WATSON. I would say so.

The CHAIRMAN. When and where was the Meeker case decided?

Mr. WATSON. Really, I do not know. I got the books down there on the 6th of October, and my recollection is that it was argued on the 8th of October.

The CHAIRMAN. Argued where?

Mr. WATSON. In the Commerce Court. I got these books from the clerk or a deputy marshal, or somebody who gave them to me down in the office there, and I brought them along. I remember reading it a day or so after I had been down here that it was argued; and it was in the New York papers.

The CHAIRMAN. Had it been decided when Boland mentioned the Meeker case to you?

Mr. WATSON. Had it been decided how?

The CHAIRMAN. Had the Meeker case been decided by the Commerce Court?

Mr. WATSON. My recollection is, from the examination that I made and from what he said to me, that the Interstate Commerce Commission had found in favor of Meeker and that the railroad company had taken an appeal.

The CHAIRMAN. To what court?

Mr. WATSON. To the Interstate Commerce Court, I presume, you know. I did not know then.

The CHAIRMAN. Do you remember the status of that case before the Commerce Court at that time?

Mr. WATSON. I do not.

The CHAIRMAN. You do not know when the decision of the Meeker case was reached in the Commerce Court, do you?

Mr. WATSON. I do not. I think, though—well, I do not know as to the decision. I know the argument was a few days after I was here. The case was argued, because I remember seeing it in the newspaper.

The CHAIRMAN. Did you not say you came down here to learn something about the Meeker case?

Mr. WATSON. I came down to find out what had been done. I did not know what the Interstate Commerce Court had done, except some little stuff you would read in a newspaper, and I thought I could get the record, and when I came they gave me these books.

The CHAIRMAN. Did you then find out what had been done in the Commerce Court?

Mr. WATSON. Why, surely. It was on appeal, waiting to be argued. These, I take it, are the paper books containing the case and its history.

The CHAIRMAN. Did you ever have any other conversation with Judge Archbald about this case of the Marian Coal Co. other than that you have mentioned?

Mr. WATSON. I have seen Judge Archbald so infrequently that I can not recall what we did talk about. He has been down here, and comes up on a flying visit, and I may meet him and talk about something, but I do not recall having talked with him about this case. It seems to me, though, that there was something said one time about my efforts with the Lackawanna; but what it was I could not gather now to tell you.

The CHAIRMAN. Mr. Webb desires to ask you some questions.

Mr. WEBB. Mr. Watson, have you a letter from the judge stating that this whole transaction was off and could not be settled?

Mr. WATSON. Have I?

Mr. WEBB. Yes.

Mr. WATSON. No, no.

Mr. WEBB. Did you ever get such a letter?

Mr. WATSON. No.

Mr. WEBB. Did you ever receive a letter from Judge Archbald in your life in reference to this matter?

Mr. WATSON. No; I did not know that Judge Archbald knew it was off, really. I did not know that he knew that I had failed. I never knew that—that he knew it—unless I told him casually. I never knew that he knew it. I knew that I had failed, but I did not know that he knew it.

Mr. WEBB. You know C. G. Boland, do you not, Mr. Watson?

Mr. WATSON. Yes; I know him very well. That is, I thought I did. I do not know whether I do or not.

Mr. WEBB. How is that?

Mr. WATSON. I thought I knew him very well, but I do not know.

Mr. WEBB. You think he is as good a man as you have in your county, do you not? Is he not a good man, a man of good character?

Mr. WATSON. I would rather not make comparisons.

Mr. WEBB. Is he not a man of good character?

Mr. WATSON. I do not know.

Mr. WEBB. You do not know? But it is your word against his now, and you have admitted here in the beginning that your memory is weak.

Mr. WATSON. I did not say any such thing.

Mr. WEBB. And that for the last year you can not recollect things; they are rather hazy to you, I thought you said.

Mr. WATSON. I did not say my memory was weak.

Mr. WEBB. What did you say about your memory?

Mr. WATSON. I said I did not remember as well as I did once.

Mr. WEBB. Then it is weaker than it was once?

Mr. WATSON. Yes; but I had a memory once that I did not have to have discounted in any way.

Mr. WEBB. It is not as good as it was, then?

Mr. WATSON. Perhaps it is when I get fired up a little; I think it is just as good as it was then.

Mr. WEBB. Well, let us get fired up, then.

Mr. WATSON. I think I can recall everything that happened in my life right now; but it will take an effort to do it, and if I go moving along, why perhaps I may make a mistake. I might get twisted on a date; I don't know how that would be. But I will remember you as long as I live; that is, unless something happens to me that has not yet. I have a very good recollection of faces and facts.

Mr. WEBB. That is because you are fired up now. A week from now you might not.

Mr. WATSON. No, sir; I am not fired up. You never saw me when I was illuminated.

Mr. WEBB. When you are what?

Mr. WATSON. When I get a little bit excited on these matters, sometimes I say things.

Mr. WEBB. I hope you will not get excited here.

Mr. WATSON. I will not, sir; I have too much respect for the committee.

Mr. WEBB. I do not care how many things you remember, just so you remember them.

Mr. WATSON. Yes, sir.

Mr. WEBB. The thing I am getting at is that Mr. C. G. Boland, who you say you thought was a man of good character until this investigation, testified that Judge Archbald told him over the telephone to come over to his office, and when he went over to his office you and he were there talking together and discussing this very transaction; that something was said about the fee, and you mentioned \$5,000 as being a proper fee, and the judge assented, saying that that was about right, and that you and he went down to this attorney—what was the name of that attorney? Anyway, it was suggested by Judge Archbald that that statement ought to be put in writing, and thereupon it was put in writing. Now, do you say that is absolutely false?

Mr. WATSON. I say that it is absolutely false, and I never heard of it in my life until I saw something of it in this record, and heard it here to-day—never. It could not have happened. Now, I qualify: I don't mean to say that I did not meet C. G. Boland in Judge Archbald's office, because that is a thing that I would not make note of. It may have happened, some time, that I met him there. It may have happened that he was there about this particular time. But the latter part of that question, that there was ever a discussion in the presence of Judge Archbald about my fee—either I was dumb and deaf, or it never happened there.

Mr. WEBB. Did Mr. C. G. Boland ever come into the judge's office and find you and the judge together?

Mr. WATSON. C. G. Boland?

Mr. WEBB. Yes; C. G. Boland, the man we are talking about now. Do you swear that you and Judge Archbald were never together in his office when C. G. Boland came in and found you there together?

Mr. WATSON. You say "never together"?

Mr. WEBB. Yes; at any time.

Mr. WATSON. I suppose I have been in Judge Archbald's office a thousand times. I have been practicing law for a good many years. Judge Archbald was a judge up there for 28 years.

Mr. WEBB. Do you think that is answering my question?

Mr. WATSON. No; but you say, "Did I ever"?

Mr. WEBB. Yes.

Mr. WATSON. Well, now, I don't know but what Boland was there a hundred times in Judge Archbald's office when I was there; but at this particular time I have no recollection of meeting Boland in Judge Archbald's office, and I am positive that he never was there.

Mr. WEBB. Do you remember your ever being in Judge Archbald's office in company with him, and C. G. Boland coming into the office at that time?

Mr. WATSON. No; I do not.

Mr. WEBB. Then it could not have been 100 times?

Mr. WATSON. Well, I say, I don't know but what he may have come in the office while I was there, sometimes, but in regard to this particular time I don't remember it if he did. But I would not deny it if Mr. Boland said that some time he had met me there. Maybe he did.

Mr. WEBB. Then maybe it was about the time this suit was being discussed.

Mr. WATSON. It was not, because there never was any such discussion; and if this discussion was a part of that visit, it is not so.

Mr. WEBB. Did you and the judge discuss it then?

Mr. WATSON. Never.

Mr. WEBB. What did you go to see him for, then?

Mr. WATSON. Judge Archbald?

Mr. WEBB. Yes, of course—Judge Archbald.

Mr. WATSON. Now, sir, I will tell you what I went to see him for.

Mr. WEBB. Let us have it.

Mr. WATSON. I tried to say to you that I went over there to get at the records, to find out the status of the Peale case. Now, that is what I went to the Federal building for that day.

Mr. WEBB. And C. G. Boland had suggested that you go there?

Mr. WATSON. He had.

Mr. WEBB. That is right?

Mr. WATSON. He had.

Mr. WEBB. And you went over to get it from the judge instead of from the clerk?

Mr. WATSON. I did not.

Mr. WEBB. What did you go for? You just said that that is what you went for, did you not?

Mr. WATSON. I said I went to the building for that purpose.

Mr. WEBB. The building?

Mr. WATSON. Yes, sir.

Mr. WEBB. Could you not get in the building without going to the judge's office?

Mr. WATSON. Yes, sir.

Mr. WEBB. What did you go to the judge's office for?

Mr. WATSON. Well, I might possibly go in and say, "Hello," or something like that. A man that I knew well, I might go in and say "Good morning, sir." I might go in and—

Mr. WEBB. Did you say "Hello" or "Good morning"?

Mr. WATSON. Well, sir, I can not recall; I do not recall that I went to his office that morning; but if I did go there I went there in a friendly way. I probably went there to ask him or to say to him that I had to bring this matter before the Lackawanna, and ask him if he could give me a letter of introduction or something. Maybe I did.

Mr. WEBB. Why did you want a letter of introduction from Judge Archbald, who then had a case pending in the Commerce Court in which the Lackawanna Railroad Co. was a defendant? Why did you want a letter from Judge Archbald to this man Loomis?

Mr. WATSON. This Peale case was not in the United States Commerce Court first, therefore I don't know that I went to Judge Archbald's office for that purpose, but I believe I said to Judge Archbald—this is my recollection of it now—that I regretted that I did not know Mr. Loomis; and he said, "I know him and will either give you a letter or I will speak to Mr. Loomis, or I will do something so that you can meet him."

Mr. WEBB. Was that the first time the judge had ever written a letter introducing you to a prospective purchaser or litigant?

Mr. WATSON. I do not think he ever wrote a letter introducing me to any purchaser.

Mr. WEBB. Before that time?

Mr. WATSON. Never, that I recall. I don't know that he ever wrote any letters for me.

Mr. WEBB. This is the first transaction of this particular kind that you ever had with the judge?

Mr. WATSON. Of what kind?

Mr. WEBB. Settling suits for litigants out of court, or trying to sell properties that were in litigation.

Mr. WATSON. It is the first time I ever tried to settle a suit of this kind out of court; yes; so then he could not have helped me.

Mr. WEBB. I understand. You need not argue the case for the judge; counsel will do that.

Mr. WATSON. What judge?

Mr. WEBB. The first man, though, that you went to see after this matter was put in your hands was Judge Archbald; is not that true?

Mr. WATSON. No, sir; it is not.

Mr. WEBB. Whom did you go to see?

Mr. WATSON. I went to see Mr. Searle, who was clerk of the court. I think Mr. Searle was clerk; if not, Mr. Scharr. I went in the office to look at the record of the Peale case and see where it was.

Mr. WEBB. And then from there did you go to the judge's office?

Mr. WATSON. The chances are, if I went to the judge's office that day, that I did.

Mr. WEBB. "The chances are, if you went"? That is not very definite.

Mr. WATSON. That particular day I don't know whether I went or not.

Mr. WEBB. If you will get "fired up" a little you may remember it. Mr. WATSON. I can not recall whether I went to the judge's office that day—an office that I go into very frequently, in a building that I am in every day. I can not recall that.

Mr. WEBB. Do you know whether you went to the clerk's office before you saw the judge or not?

Mr. WATSON. I am quite sure that I did.

Mr. WEBB. Would you not want to get an introduction to Mr. Loomis before you began to look up the case?

Mr. WATSON. I don't think it would be necessary for me to do that. Mr. WEBB. Can you tell when it was you saw the judge when you discussed this case?

Mr. WATSON. It may have been that day, and it may have been the next day, or it may have been the next day. It was within two or three days of the time that I went to the clerk's office. It may have been the day I went to the clerk's office.

Mr. WEBB. Did you ever tell him what fee you were going to get out of it?

Mr. WATSON. I do not think I ever spoke of the fee to him in my life.

Mr. WEBB. Will you swear you did not?

Mr. WATSON. I think so; yes, sir. I can swear to that.

Mr. WEBB. You think you will swear to it?
 Mr. WATSON. Yes, sir; I can swear to it.
 Mr. WEBB. That you never mentioned the fee to him?
 Mr. WATSON. Not that I recall. I can not recall ever talking with him about fees.
 Mr. WEBB. Your memory is all right now, is it?
 Mr. WATSON. It is all right on fees; yes. When you say "fees" to me I remember it.
 Mr. WEBB. How long have you known Williams intimately?
 Mr. WATSON. Well, I don't know him intimately now. I know him as a man that I have met on the street. I have talked with him to say "Good morning," and he has said that same thing to me for years. I knew him when he worked, I think, for the Lackawanna, and perhaps for the Joneses.
 Mr. WEBB. Did not one of the Bolands tell you that Mr. Williams had suggested you as a proper person to carry on this transaction?
 Mr. WATSON. That Mr. Williams had suggested me?
 Mr. WEBB. Yes.
 Mr. WATSON. No; I am sure of that. Mr. Williams would not appeal to me, anything that he might say.
 Mr. WEBB. The Bolands say that you would not appeal to them, either, as a lawyer.
 Mr. WATSON. Well, that may be.
 Mr. WEBB. They say the reason why they got you was because Williams had suggested you.
 Mr. WATSON. They thought I was a friend of Williams's?
 Mr. WEBB. I do not know what they thought.
 Mr. WATSON. Oh, I see.
 Mr. WEBB. Did either one of the Bolands tell you that they had come to you on account of what Williams had told them?
 Mr. WATSON. They did not.
 Mr. WEBB. They did not?
 Mr. WATSON. No, sir. The Bolands never have attempted to insult me in my own town, and if they would come with any such statement as that I have a way of getting them out of my office very quickly.
 Mr. WEBB. Do you mean you would have been insulted if—
 Mr. WATSON. If anyone would come to me and talk about my being associated with Ed. Williams upon any subject I would deny it, sir.
 Mr. WEBB. The judge seems to have associated somewhat with Williams, and he was not insulted.
 Mr. WATSON. I can not help Judge Archbald's picking his associates; it is none of my business.
 Mr. WEBB. But you pick yours outside of Williams?
 Mr. WATSON. I do, sir. I just push those gentlemen off to one side. They can't do business with me.
 Mr. WEBB. So if Williams suggested you were a good lawyer to fix up this matter, he was "butting in"?
 Mr. WATSON. Well, I suppose I would deny it.
 Mr. WEBB. You would?
 Mr. WATSON. Maybe so; I don't know.
 Mr. WEBB. I will not disagree with you on that.
 Mr. WATSON. I have always managed to keep the wolf from the door up there without associating with him.
 Mr. WEBB. When was the Federal court established at Scranton?
 Mr. WATSON. I ought to know; I got clubbed around pretty well at that time. It was about 12 years ago, I would say.
 Mr. WEBB. Is that as definitely as you can say? Was it in 1900?
 Mr. WATSON. I will tell you. The bill was signed on the 4th day of March, 1901, I think.
 Mr. WEBB. Then that is when it was established.
 Mr. WATSON. Now we will get back to dates. I believe Judge Archbald was appointed the next day or so, and he took his seat on the bench as soon as he could thereafter. Now, that is my recollection of it. I remember I was in this city when the bill was signed.
 Mr. WEBB. Were you a candidate for the judgeship?
 Mr. WATSON. Not seriously. I had gotten that taken out of my blood before.
 Mr. WEBB. You were just in a receptive mood? You would have taken it if it had been thrust upon you?
 Mr. WATSON. Well, I had been at one time; yes. I had been quite receptive up to a certain time.
 Mr. WEBB. There has been a very small docket there ever since, has there not? It has been a very small court, with very small litigation?
 Mr. WATSON. Oh, I would not want to belittle the court; no; I would not say that. I would not say it was a small court, for they have had some very—well, some important litigation, at least.
 Mr. WEBB. What is the most important litigation you ever had in that court?
 Mr. WATSON. In that court? Well, sir, I don't like to say what I have done in that court. I defended a man, by appointment, for selling whisky to Indians. That is one case I had there. That was a very important matter. As a matter of fact, I have not practiced in the Federal court since Judge Archbald has been on the bench.
 Mr. WEBB. Then you have been thrown with him very little in a legal way?
 Mr. WATSON. Well, there were reasons why I did not at that time. I don't care to discuss them here. They were personal reasons.
 Mr. WEBB. You have had very little practice in that court, and the only case you can remember is that of defending a man for selling whisky to Indians?
 Mr. WATSON. No; I have tried half a dozen. I have tried a dozen cases there, perhaps. I do not recall them now.
 Mr. WEBB. Were all of them liquor cases?
 Mr. WATSON. I remember one case, somebody against—it was a small matter, anyhow. I think I tried an insurance case there; not very much. I have not tried as many cases in the United States court since Archbald has been there as I did before. I was trying quite a good bit there before that time.
 Mr. WEBB. There was no court there?
 Mr. WATSON. Oh, yes, there was—oh, yes. That court was established about 25 years ago—23 or 24 years ago.
 Mr. WEBB. Was it abolished?
 Mr. WATSON. It was not. The court came there from Pittsburgh and met and had its regular terms in Scranton for a number of years.
 Mr. WEBB. Oh, yes; but they did not have a judge?
 Mr. WATSON. They did not have a judge; no.
 Mr. WEBB. When you went to see the judge did you ask him to write you a letter to Loomis, or did he volunteer it? "Fire up" a little on that point.
 Mr. WATSON. I could not tell you that.
 Mr. WEBB. That is very important for us to know.
 Mr. WATSON. I could not tell you whether he volunteered it or not; but I think that the statement I made, that I did not know Mr. Loomis, brought forth some response from Judge Archbald. It was either that "I know him very well," or "He comes here very frequently," and I

asked him to write that letter for me, or he said, "I will introduce you to him," or something like that.
 Mr. WEBB. He never introduced you to him, anyway?
 Mr. WATSON. He never did. He may have written the letter. I don't know how that was.
 Mr. WEBB. Did he write the letter?
 Mr. WATSON. Well, now, I don't know.
 Mr. WEBB. Did he ever tell you he had written it?
 Mr. WATSON. I think he has said something about writing a letter.
 Mr. WEBB. You are sure about that, are you?
 Mr. WATSON. Yes; I am quite sure that he told me he had said something to Loomis. Now, he either told me he met Loomis or he had written a letter to him.
 Mr. WEBB. That he had met Loomis?
 Mr. WATSON. He told me one or the other of those things. I can't recall now whether it was meeting Loomis or whether he wrote the letter to him.
 Mr. WEBB. You explained what you wanted to do to the judge; you explained to him that you wanted some intercession, or wanted to meet Loomis; you explained that you wanted to sell or unload this coal washery on the Lackawanna Railroad and settle the Commerce Commission case, and that you needed Loomis's influence, or you had to reach Loomis in some way or other?
 Mr. WATSON. To put it in that way, I don't think I did.
 Mr. WEBB. Is that the substance of it?
 Mr. WATSON. It was substantially this: That I needed an introduction, or at least I thought I did, to Mr. Loomis; and I could have had it from a hundred men in Scranton just as well as from Judge Archbald.
 Mr. WEBB. You say you journeyed all the way from Scranton, Pa., down here, to get these few little paper books?
 Mr. WATSON. Yes, sir; I did.
 Mr. WEBB. And telegraphed Judge Archbald before you would come?
 Mr. WATSON. Yes, sir; I did.
 Mr. WEBB. Did you think he was the custodian of papers of that kind?
 Mr. WATSON. I knew he was not.
 Mr. WEBB. You knew he was not?
 Mr. WATSON. Yes, sir.
 Mr. WEBB. What did you want to know if he was in Washington for, and if he could meet you at a certain hour?
 Mr. WATSON. I did not say a certain hour, I think.
 Mr. WEBB. You wanted to know what time, what hour, he could meet you, did you not?
 Mr. WATSON. I don't know that I did. I asked if he could meet me—what day; if he would be here that day, Saturday. I didn't know what time I would get here.
 Mr. WEBB. Your language is, "Wire me East Stroudsburg what time to-morrow I can meet you."
 Did you think that telegram was necessary to know what time you could meet him to get those two little paper books you speak of there?
 Mr. WATSON. Yes; I thought so.
 Mr. WEBB. Those briefs?
 Mr. WATSON. Yes, sir; I thought so.
 Mr. WEBB. Why did you not write down here and get them, and save a whole lot of expense and time?
 Mr. WATSON. Because I expected to meet Mr. Truesdale and Mr. Loomis on Monday, and this was on Friday, and I could not get the books back there in time, and I wanted to familiarize myself with the Meeker case so that I could talk rates. I never had had anyone with intelligence enough to talk about the rates to me.
 Mr. WEBB. What did you want to see Judge Archbald in connection with it for? Could you not go to see Truesdale—he was president of the road, was he not?
 Mr. WATSON. Yes, sir.
 Mr. WEBB. What did you want to come down here and see Judge Archbald for?
 Mr. WATSON. I think Mr. Boland—Mr. C. G. Boland—suggested that we wire Judge Archbald, because I said I knew no one connected with the court.
 Mr. WEBB. You honestly did not think you could get into the court and get these records without the judge being here?
 Mr. WATSON. I did not, on Saturday; no; I did not think so.
 Mr. WEBB. On Saturday?
 Mr. WATSON. No. And I want to say right now to you that there was only one man there in that place when I went there, except Judge Archbald—only one man, floating around there, doing something, and I don't know what his business was. Finally another man came in, and the judge called him in and introduced him to me, either as the clerk or a marshal or a deputy somebody, and then I asked him about these books, and he went in and got them.
 Mr. WEBB. You asked whom?
 Mr. WATSON. This man that came there. Now, there was no one in the building.
 Mr. WEBB. After you had come down from Scranton to Washington to get two books, you did not even ask the judge for them, did you? You asked this other man?
 Mr. WATSON. I think I did. We stood there talking, and I think the judge asked him for them. I am not sure about that.
 Mr. WEBB. Can you not be sure whether you asked the marshal or the clerk to get these books, or whether the judge did?
 Mr. WATSON. I know somebody got these books for me that was not Judge Archbald. Now, I don't know who it was. I know that he was introduced to me by Judge Archbald, and I presume that I asked him to get the books. Now, if I did not ask him to get the books, perhaps Judge Archbald said, "Mr. Watson wants the briefs in that case," or something like that. Now, that may have been said there.
 Mr. WEBB. How long did you and the judge discuss matters when you saw him in response to this telegram?
 Mr. WATSON. When I came down?
 Mr. WEBB. Yes.
 Mr. WATSON. We talked about Mrs. Archbald for a while, and we talked about the weather. It was raining right good and sharp, I remember. We talked about a few other things; but to talk about these books or this case, I should judge it would consume about five minutes, or two minutes, maybe.
 Mr. WEBB. Did you tell him you were going to meet Truesdale the following Monday?
 Mr. WATSON. I don't think so.
 Mr. WEBB. What do you say?
 Mr. WATSON. I don't think so.
 Mr. WEBB. You came down here from Scranton to get these books because you were going to meet Truesdale next week about a matter in which the judge had recommended you to Loomis, and you did not even tell him you were going to meet him?

Mr. WATSON. I don't think I did.
 Mr. WEBB. You did not tell him what you wanted the books for, did you?
 Mr. WATSON. Oh, well, we may have talked about it. I may have said: "I am going to meet the Lackawanna folks," or something like that.
 Mr. WEBB. When you come to these important matters can you not remember a little better? Did you do it?
 Mr. WATSON. Well, it is a matter that of course I did not charge my mind particularly with, but I have no doubt in my mind—
 Mr. WEBB. You charged your mind with knowing that you did talk about Mrs. Archbald and the rainy weather.
 Mr. WATSON. That would be the thing that I would naturally talk about—something that he was interested in and that I would be interested in.
 Mr. WEBB. You remember that, though?
 Mr. WATSON. Why, sure; I naturally would talk about it.
 Mr. WEBB. Your business here was looking after this particular case, and you can not tell the committee whether or not you discussed this case with the judge and told him that you were to meet Truesdale the following Monday; can you?
 Mr. WATSON. I came down here, not to discuss the case I was settling with the Lackawanna, but to get the information that had been brought out before the Interstate Commerce Commission. That is what I was here for.
 Mr. WEBB. Yes; and you got it all in these two little briefs?
 Mr. WATSON. Such is the case.
 Mr. WEBB. And you got the judge to get them for you, or got them in his presence, and never told him what you were going to do with them?
 Mr. WATSON. I assume I may have said, "I am going to try and settle it, and I wanted to get familiar with the Meeker case."
 Mr. WEBB. Why do you assume it? You are on your oath now. Did you do it?
 Mr. WATSON. Well, I can not tell you.
 Mr. WEBB. You can not tell?
 Mr. WATSON. I can not.
 Mr. WEBB. You will not even assume that, then?
 Mr. WATSON. I can not say positively that I said to him that I was going to settle that case on Monday, or expected to meet these people on Monday; but it is a hundred to one that I did say something of that kind.
 Mr. WEBB. A hundred to one?
 Mr. WATSON. Yes.
 Mr. WEBB. That is pretty big odds; is it not?
 Mr. WATSON. But I can not remember. I don't remember that I called him off in one corner and said: "I am going to meet the Lackawanna people Monday," or anything like that. I don't think I ever did that.
 Mr. WEBB. I said nothing about your calling him off in a corner.
 Mr. WATSON. I don't know what we said. We talked along the same as people that are reasonably honest would talk?
 Mr. WEBB. Reasonably honest?
 Mr. WATSON. Yes; and we don't charge our minds with everything we say, either.
 Mr. WEBB. Exactly; but you charged your mind with the part about the rainy weather and the part about Mrs. Archbald?
 Mr. WATSON. I remember that, because I got most beautifully wet.
 Mr. WEBB. Let me ask you this question: Is it not the fact that you have not charged your mind about this matter because you did come down here to see him and tell him the negotiations were hanging up, and that he must do something to help you?
 Mr. WATSON. If I ever said that, sir, I want to meet my God above and have him condemn me forever; if I ever said to Judge Archbald, "I am sinking and you must save me"; if I ever said to him, "You must help me to settle a case." I never said it in my life to any man living, not only Judge Archbald. I never pin my faith on a single man—never.
 Mr. WEBB. How many do you pin it to?
 Mr. WATSON. To enough so that I know I am going to get something in return.
 Mr. WEBB. Did you leave Washington the same day?
 Mr. WATSON. I did, at night.
 Mr. WEBB. At night?
 Mr. WATSON. Yes, sir; and I went to New York.
 Mr. WEBB. On the following Monday you met Truesdale?
 Mr. WATSON. Oh, I don't know now; it may have been Tuesday. It was Monday or Tuesday. It was right on the heels of this that I met him right there.
 Mr. WEBB. It was Monday or Tuesday, you say?
 Mr. WATSON. I think so.
 Mr. WEBB. You went from here to New York?
 Mr. WATSON. I did.
 Mr. WEBB. Do you know what day you got to New York?
 Mr. WATSON. I do. It was on the Sabbath of the Lord.
 Mr. WEBB. The Sabbath of the Lord?
 Mr. WATSON. Yes, sir.
 Mr. WEBB. All Sabbaths are the Sabbaths of the Lord, are they not?
 Mr. WATSON. Yes; some of them. In New York they are. I don't know how they are down here.
 Mr. WEBB. Then do you remember whether you saw Truesdale on the day following the Sabbath, or was it Tuesday?
 Mr. WATSON. Well, now, I know my movements and I can tell you. I went from New York the following morning.
 I went to New York because it was late that night, and I stayed there that night. I could not get home from Philadelphia, and I had to go to East Stroudsburg. I went up there on Sunday morning some time. I went to Scranton, I think, perhaps, Monday morning early, and maybe Sunday night—there are two trains that I used to go up on—and I went to my office. Now, I imagine that Loomis came in there on Monday afternoon, and it would be Tuesday morning if that is true.
 Mr. WEBB. That was in New York?
 Mr. WATSON. No, no; in Scranton.
 Mr. WEBB. You imagine, then, you saw Loomis Tuesday morning?
 Mr. WATSON. I think it would be about Tuesday morning. I know it was right after this.
 Mr. WEBB. Are you willing to swear it was Tuesday morning?
 Mr. WATSON. Well, how can I charge my mind and carry along whether it was Tuesday morning or Wednesday morning or Monday morning? I can not do it. It was within a day or so of this.
 Mr. WEBB. All right. Was Truesdale there?
 Mr. WATSON. Yes; yes.
 Mr. WEBB. And who else?
 Mr. WATSON. Why, Phillips; I remember seeing him.
 Mr. WEBB. Phillips was there?

Mr. WATSON. I think Mr. Phillips introduced me to Mr. Loomis. I had met Mr. Truesdale before. I think Mr. Phillips introduced me to Mr. Loomis.
 Mr. WEBB. You knew Truesdale; you had met him, and you were not at a disadvantage with him like you were with Loomis?
 Mr. WATSON. Well, yes; at some banquet or some meeting or, other I was introduced to him, some time.
 Mr. WEBB. How many times did you talk to him about this matter?
 Mr. WATSON. Truesdale?
 Mr. WEBB. Yes, sir.
 Mr. WATSON. I never met him on this matter, except the one day; that is, that morning when we did meet there.
 Mr. WEBB. How long before that time was it that you saw him?
 Mr. WATSON. Well, now, it may have been when they opened the depot at Scranton; it may have been at some function where they had given a banquet or something of that kind.
 Mr. WEBB. Do you remember ever speaking to him about this case?
 Mr. WATSON. No.
 Mr. WEBB. Except in the conference?
 Mr. WATSON. Oh, no.
 Mr. WEBB. Then you had not spoken to him about it before you came down to Washington to see the judge?
 Mr. WATSON. No; I never talked to Mr. Truesdale on coal at all.
 Mr. FLOYD. Mr. Watson, when you left Washington you went from here to New York, did you?
 Mr. WATSON. Yes, sir.
 Mr. FLOYD. What was your mission or business in New York?
 Mr. WATSON. I did not have any business there. I went to New York in order to get home.
 Mr. FLOYD. That was on your way home?
 Mr. WATSON. Oh, my way home would have been to have gotten off at Philadelphia and gone up from Philadelphia to Stroudsburg. My wife was on the mountain at Stroudsburg. We had broken up house-keeping for several months, and they were out on the mountain, and I had to go to Stroudsburg over the Lackawanna. The Belvidere division of the Pennsylvania Railroad runs infrequent trains, and I could not find out if I could get up at all for the first 100 miles from Stroudsburg; and knowing the line from New York runs trains daily, and what they were, I went to New York and got there at midnight, and I went to bed, and got up the next morning and took the most convenient train for East Stroudsburg.
 Mr. FLOYD. Did anyone accompany you to New York?
 Mr. WATSON. No; no. I was all alone.
 Mr. FLOYD. You met Mr. Loomis and Mr. Truesdale in Scranton later?
 Mr. WATSON. Yes, sir.
 Mr. FLOYD. What did you offer them this property for; what consideration?
 Mr. WATSON. \$161,000.
 Mr. FLOYD. \$161,000?
 Mr. WATSON. Yes, sir.
 Mr. FLOYD. What did the Bolands agree to take for the property when they made the agreement to pay you \$5,000?
 Mr. WATSON. Well, now, that will require some little explanation.
 Mr. FLOYD. No; that will not require any explanation.
 Mr. WATSON. Why, they agreed to pay, after we had gotten through—
 Mr. FLOYD. I want the first of it.
 Mr. WATSON. First, \$100,000.
 Mr. FLOYD. At the time you said they agreed to pay you \$5,000 for your services.
 Mr. WATSON. \$100,000.
 Mr. FLOYD. That is the point I wanted to get you to state.
 Mr. WATSON. Yes, sir.
 Mr. FLOYD. And out of that \$100,000, if the deal was closed and a sale effected, you were to receive \$5,000?
 Mr. WATSON. Yes, sir; they were to give me \$5,000 for doing the business; that is it.
 Mr. FLOYD. You never put that \$100,000 proposition up to these railroad people at all, did you?
 Mr. WATSON. No, sir; I never did.
 Mr. FLOYD. Will you explain why it was that you did not?
 Mr. WATSON. From the first time that the price was fixed at \$100,000, the property that was to be passed had changed very materially. There were different things to be done with it, and then when they offered this property first there was no two-thirds interest offered. The Marian Coal Co. in its entirety was offered to me.
 Mr. FLOYD. For \$100,000?
 Mr. WATSON. For \$100,000. That would include the suit—well, I may say the suit; yes. There was the Peale matter; Mr. Peale had \$16,000, which was admitted. Mr. Peale finally got a judgment stated for thirty-odd thousand dollars, \$34,000, or something like that. Now, that was hanging fire over there, and I didn't know that that was a part of this transaction when I first undertook to handle this for \$100,000. Now, there was another thing that I didn't know, and that is that one-third of this stock that represented the Marian Coal Co. was in Mr. Peale's hands and belonged to him. That is two things that I didn't know about. The first, the increased indebtedness, the \$16,000, I did get an idea of before we got very far along with it. But the larger amount, this \$18,000 more added to it, I did not get that, you know, until the decree was—not the decree; until the judgment was entered, which was long after I had gotten out of the matter. Now, I did not know what that litigation was. Then there was another thing that I did not know. I did not know that the Bolands had any dispute of title over there, which they did have finally, and that the Lackawanna claimed a good, sizable interest in this dump. Now, I did not know that. Then, when I brought that to Mr. Boland's attention, and he began to see his \$100,000 being carved out by \$16,000, by a third interest of the Peales, and by a quarter interest of the Lackawanna, it began to get him down so that he would have trouble getting home on the proceeds; and therefore we agreed or he agreed to raise that to the \$161,000, and I was to make that up on the rates. That is what was to happen.
 Mr. FLOYD. Which one of the Bolands agreed to that?
 Mr. WATSON. My recollection is that there was only one Boland that talked about railroad rates, and that was W. P. Boland. The conversations I had with him about railroad rates were when he had the papers there and could show from the papers what had been going on and the discrimination in the rates. Now, I am quite sure he would come to my office, and we would go over that. I imagine it was no one but Mr. W. P. Boland. I never talked about rates with C. G. Boland, because he knew nothing about them.
 Mr. FLOYD. You say you imagine it was W. P. Boland?
 Mr. WATSON. Yes; alone.
 Mr. FLOYD. What is your memory about it?

Mr. WATSON. Oh, I think it was—no one else.

Mr. FLOYD. You think it was W. P. Boland?

Mr. WATSON. Yes; I am sure C. G. Boland was never present when we talked railroad rates, because he knew nothing about it and confessed it.

Mr. FLOYD. Did you not tell the committee just a few moments ago that you yourself did not understand about these rates, and that you arranged to come down to Washington to get these briefs in order that you might study up a particular case in order to get knowledge of those rates?

Mr. WATSON. No, no, no.

Mr. FLOYD. And then did you not testify that you left Washington after you had your interview with Judge Archbald, went home by way of New York, because you were able to get there quicker in that way, or you were led to understand you could, and then went from there home, and then, just in a day or two after that, you met Loomis and Truesdale in Scranton and made this proposition to them, which they refused? Did you not testify to that?

Mr. WATSON. Yes, sir; I say that I read that book through three or four times.

Mr. FLOYD. When did this great time intervene after you learned something about rates up to the time that you made this proposition, so that you changed the proposition, or that Boland changed the proposition, and you added \$60,000?

Mr. WATSON. Oh, no; that is wrong. You don't understand me. This \$161,000 was a price that was agreed upon possibly two or three weeks before I went to New York. I knew what I had to ask them, and that was the reason I did not have the data. I did not know what the court had done in the Meeker case. That was a rate case of anthracite coal growing out of occurrences within 16 or 20 miles of where this place was located.

Mr. FLOYD. That was a case entirely separate from and independent of the Boland case, was it not?

Mr. WATSON. Oh, my, yes.

Mr. FLOYD. All you got out of that case was the decision of the court and the evidence.

Mr. WATSON. Oh, not much evidence.

Mr. FLOYD. By comparison of that case with the facts in this Boland case you expected to get some information that you did not possess in regard to this rate matter?

Mr. WATSON. Yes, sir; I wanted to know how they handled a case of this kind.

Mr. FLOYD. William P. Boland did not know anything about rates?

Mr. WATSON. Oh, he did. He told me the best he could. I may have been dull and did not get hold of it right—I do not know—but he told me many times about the rates. I think Boland had fortified himself well—W. P. Boland. I think he did know about the rates, and he knew the distance and the differences, and he knew where they had charged a little more for one distance than for another.

Mr. FLOYD. What is your explanation of coming down to Washington to see Judge Archbald to see about finding out the rates?

Mr. WATSON. I did not come to Washington to find out the rates from Judge Archbald. I came to get these books, because that Meeker case was a decision directly from the court. It was not the opinion of a layman.

Mr. FLOYD. That was the decision of the commission?

Mr. WATSON. Of the commission, people who are especially charged to examine these cases and make a report on them.

Mr. FLOYD. When did you get the time to study those books after you came to Washington before you met Mr. Truesdale and Mr. Loomis?

Mr. WATSON. There is one of them I did not study much, but there is one that I did—one of those books. I got the findings of the commission pretty well. I had another one something like that [indicating]; I think one of these is either amended or it was an amendment. There was a little more in one of them, perhaps.

Mr. FLOYD. Mr. Watson, did you not state right at the beginning of your testimony that the Bolands first fixed \$100,000?

Mr. WATSON. They did.

Mr. FLOYD. And that you finally whittled it down, and discovered that fifty or sixty thousand dollars was as much as they could possibly obtain or expect, and that you could recommend a proposition for them to sell at fifty or sixty thousand dollars? Did you not state that?

Mr. WATSON. I do not recall that I ever recommended them to sell it for fifty or sixty thousand.

Mr. FLOYD. Did you not state that?

Mr. WATSON. No; I do not think so. I never heard fifty or sixty thousand dollars until Col. Phillips testified to it.

Mr. FLOYD. Did you not state in your testimony here to-day that at first the Bolands claimed damages by reason of rates, and of these other damages—

Mr. WATSON. Now you are speaking of rates.

Mr. FLOYD. Coal and certain other things; not rates altogether, but their entire claim was \$100,000?

Mr. WATSON. Yes, sir.

Mr. FLOYD. And you finally whittled it down to about sixty thousand?

Mr. WATSON. Yes; that is, rates; that is, in relation to the rate matters.

Mr. FLOYD. When did you do that whittling down?

Mr. WATSON. That was, perhaps, while I was working at the case, within a week or so of my coming down to New York. I was quite busy on this case for a week.

Mr. FLOYD. Within a week or so of your coming down to Washington?

Mr. WATSON. To Washington; yes. It was during that period when we knew, or expected to meet these people; that is when we were doing that.

Mr. FLOYD. If you had that whittled down before you came down to Washington, until, in your judgment, they would not be warranted in claiming more than fifty or sixty thousand dollars by reason of this price, then let me ask you again to explain why it was that you left Washington, went by way of New York home, met Truesdale and Loomis in Scranton, and asked \$160,000 or \$170,000 for this property?

Mr. WATSON. I can explain it to you very quickly. There was a certain price fixed on this washery and there was a certain price fixed on the rates. Those two together, as they were originally put up, would amount to nearly a half a million dollars. I can not give you the exact figures, but pretty near that. When we got at the rates, and I found that the punitive damage idea would have to be done away with, we reduced it by maybe three or four—I have forgotten, but it was about one-third or one-fourth of the amount that they asked in the rate war. That put it down, I say, to fifty, sixty, or seventy thousand dollars—somewhere along there, whatever it was—and that, added to what they claimed the washery was worth and they could sell it for—I had Mr. Boland show me a proposition to buy for \$90,000—so my judgment was not as good as some coal man's judgment who said he would give them \$90,000, and I had every reason to believe perhaps it

was so, and therefore we added it together and it made \$161,000, and that is the only price I ever had, the only price I was ever authorized to offer the land for to the Lackawanna road, and I offered it at that price.

Mr. FLOYD. I understood you to say, since I have been questioning you here, that the first price offered was \$100,000.

Mr. WATSON. That is right.

Mr. FLOYD. And that you were to have \$5,000 of that in case the deal was made?

Mr. WATSON. Yes, sir.

Mr. FLOYD. Did you not think you could sell it to the Lackawanna road for \$100,000 easier than you could for \$160,000?

Mr. WATSON. That did not dispose of the rate business. There was nothing in the rates then. The rates was another matter.

Mr. FLOYD. I thought you stated it was to settle all these cases.

Mr. WATSON. Not for \$100,000.

Mr. FLOYD. The Peale case?

Mr. WATSON. The Peale case.

Mr. FLOYD. And everything?

Mr. WATSON. The Peale case and the colliery were to be turned over to them for \$100,000; the washery and the coal dump and their leases; and then, when I examined that, I found a quarter interest, or such a matter, whatever it was, claimed by the Lackawanna. This coal dump, if you will pardon me, was made at three different times and by three independent operations. I did not know that when I was first negotiating for this, but it seems that Mr. Felts dumped some of it by an earlier mining. Then came the Lackawanna, and they dumped some of it; then came some one else, and they dumped some of it. During that time Mr. Felts, who was the former owner of the fee—something had happened to him in a financial way, and he was obliged to take a nephew, a Mr. Hoysradt, or somebody, in there, and there was another dispute about that, Mr. Hoysradt's interest, Mr. Felts' interest, and the Lackawanna Railroad's interest.

When we got through talking about that it shrunk up the Bolands' interest, and then they claimed that did not amount to anything. I did not know whether it did or not.

Mr. FLOYD. When who got through talking about it?

Mr. WATSON. Boland and ourselves; we were discussing that for a long time.

Mr. FLOYD. I thought you said the Bolands claimed it did not amount to anything?

Mr. WATSON. They did.

Mr. FLOYD. Who told you it did amount to something? Where did you get the information?

Mr. WATSON. Because I knew it, as a matter of fact, living in the community, that Mr. Felts owned that. I asked Mr. Felts' executor about that; I recall mentioning the fact to him, and asking him what the business was down there, and he could not tell me definitely what it was. Then I knew from the Lackawanna people. I remember a lawsuit about it, and all that kind of business. When I came to go into the details about it, I recalled it readily, that there was a disputed claim there. I talked with Mr. Phillips a good many times, four or five times, perhaps, before I went down to New York. It was during that period of, say, approximately two or three weeks, that I was talking with Mr. Phillips, trying to get an arrangement. Mr. Phillips had an estimate made of the pile, and told me it was only worth \$14,000. I would naturally sit up and take notice, when I was offering it for \$100,000, and he said it was worth \$14,000.

Mr. FLOYD. That is what I can not understand, Mr. Watson, when you had a contract to sell the property and settle this difficulty between these parties at \$100,000, that when you ascertained that various complications had arisen, and somebody else owned one-third interest, you raised the price instead of lowering it.

Mr. WATSON. When we had the contract for \$100,000, I say there was no rate discussed. There was no interstate-commerce business discussed. I never heard of that until after I had been in the case and examined all the papers.

Mr. FLOYD. After this rate matter was added to it and you were trying to sell the property for \$161,000, did you have any change in your contract about your \$5,000 fee?

Mr. WATSON. No; there was not anything there. I knew where the money was going; it was going to pay Peale and some of those people.

Mr. FLOYD. There was not any change made in the fee?

Mr. WATSON. There was not.

Mr. FLOYD. Did you have any contract with Peale?

Mr. WATSON. I do not know him. I simply knew the father, out there in Clearfield somewhere.

Mr. FLOYD. At whose instance were you seeking to take care of Peale and to take care of these people who owned the one-third interest in the Marian Coal Co. if you had no negotiations with the claimants?

Mr. WATSON. Let me get that question.

Mr. FLOYD. As I understand you, the rate matter was not considered in the original transaction?

Mr. WATSON. When I first talked with Christy Boland, and the \$100,000 was mentioned, and the \$5,000 fee compensation, there was no talk about the rate matter.

Mr. FLOYD. That is the way I understand you. But later, on investigation, and by refreshing your memory, you came into the knowledge of the fact that other parties had interests in the property, and that there was some question about some of these coal dumps. You have detailed a lot of incidents. Then this rate matter was interjected into it, and you figured out then that it would take \$161,000 to cover the entire interest. Is that right?

Mr. WATSON. When you say I figured out then, that is not true.

Mr. FLOYD. Boland figured out?

Mr. WATSON. I was instructed then that \$161,000 would be the price to clean up all the differences between the companies, and that Mr. Peale was to be taken care of out of the \$161,000.

Mr. FLOYD. By whom were you so instructed?

Mr. WATSON. By the people who employed me, either Christy Boland or Will Boland.

Mr. FLOYD. Which one?

Mr. WATSON. I could not tell you. The chances are that all of the rate business was talked by Will Boland, because I do not ever recall talking rates with Christy Boland, because he did not know them.

Mr. FLOYD. Do you have any recollection about that? Is it possible that an item of \$60,000, your contract changed to your disadvantage—

Mr. WATSON. No; it was not to my disadvantage; I had the same fee.

Mr. FLOYD. Would it be to your advantage, if your fee depended upon the sale of the property, to raise it from \$100,000 to \$161,000? Did not that lessen your chances to float the property and get your \$5,000?

Mr. WATSON. This Marian Coal Co., when we got down to the going to the company, and the Lackawanna Co., was simply used as a vehicle to carry all the burdens of the Bolands in there, and get them all settled at one time. I knew when I went over to the Lackawanna that

the coal was not worth over \$15,000 or \$16,000; I knew that. I did not know it when I began. I supposed it was worth \$100,000. But the rate claim was the bogey; that was the big thing.

Mr. FLOYD. Then, if you knew when you made the proposition to the railroad company that the Marian Coal Co.'s property was not worth over \$15,000 or \$16,000—

Mr. WATSON. I knew that. Do you wonder I would have the nerve to ask that?

Mr. FLOYD. Then I will ask you again why it was that instead of lowering the price at which you offered it to the coal company you raised it to \$160,000?

Mr. WATSON. I did not raise it at all; get this in your mind. I never fixed a price on that property at all. The price was fixed by Mr. W. P. Boland, and agreed to by his brother no doubt, \$161,000; and the reason it was raised was because they had people to take care of. What would it be worth to secure a culm pile with Mr. Peale with some interest in it and not going along with you, and the Lackawanna claiming one-fourth interest in the pile? So something had to be done in eliminating all those. When I say thirteen or fourteen thousand dollars I take out those interests.

Mr. FLOYD. Will you tell me when and where W. P. Boland directed you or instructed you to raise that price to \$161,000?

Mr. WATSON. I did not raise it.

Mr. FLOYD. Instructed you to raise it?

Mr. WATSON. He did not instruct me to raise it; I did not raise it. He made that price to me.

Mr. FLOYD. He made that price to you?

Mr. WATSON. Yes, sir; he raised it.

Mr. FLOYD. When and where did he make the price?

Mr. WATSON. My recollection is it was in my office. I never did any business with Mr. Boland outside of this, except I might speak to him on the street corner or something.

Mr. FLOYD. Who was present?

Mr. WATSON. Nobody but Boland and myself.

Mr. FLOYD. Was it reduced to writing?

Mr. WATSON. I think not—oh, I believe it was. I believe the figures were put down on paper, I think. I had some papers that Mr. Boland has now.

Mr. FLOYD. Have you the papers?

Mr. WATSON. No; I gave everything back to Mr. Boland that I had. Every memorandum and everything else, excepting these letters; and I did not know I had those until I went digging around for them and I found those books, and those letters were in the books, and that telegram—the letters and the telegram; and I brought all that I had.

Mr. FLOYD. Did anybody come to Washington with you?

Mr. WATSON. No.

Mr. FLOYD. At the time you wired Judge Archbald?

Mr. WATSON. No; I came from Stroudsburg directly to Washington.

Mr. FLOYD. You were well acquainted with Judge Archbald, were you not?

Mr. WATSON. Oh, yes; I have known Judge Archbald, I think, as early as 1880. I went to Scranton 34 years ago, and shortly after going there I knew Judge Archbald.

Mr. FLOYD. Why was it you did not wire Judge Archbald, as a matter of courtesy to you, to send you copies of briefs in this case?

Mr. WATSON. I did not know what I wanted until I looked at the record. I did not know how they kept the records, and I did not know that they had any, really, to be honest; I did not know what they had. When I had talked about this Commerce Court, I did not know what they were keeping. They were just beginning. I did not know whether they had done any business before that.

Mr. FLOYD. Did you not state the case had been decided, and that on account of the importance of the decision you came down here to get the papers, or get knowledge of the papers, in this other case referred to?

Mr. WATSON. Maybe I can impress on your mind what I did say, and what I intended to say.

Mr. FLOYD. All right.

Mr. WATSON. That is, that I had learned, through some indirect source, or through the newspapers, that the Harry Meeker case—as we called it; I knew the Meekers—had been decided by the Interstate Commerce Commission favorably to Meeker. I had heard that, and it had been talked about; I will not say how long, whether it was a week or a month, but I should judge a month or two; that I had heard it, and I had never examined it, and I did not know that an attorney in our town at that time was the representative of one of the companies, or I would have gone to him. I did not know it. That is how little I knew of the Meeker case. It was all in the newspapers, I suppose, excepting Mr. Boland was keeping tab on those cases, I imagine, and he would come to my office. He did tell me a number of times about the Meeker case, how it had been disposed of, and that it had been appealed by the company. I did not know whether it was in the Circuit Court of Appeals or in the United States Commerce Court, so I made some inquiries and found it was in the United States Commerce Court, and that was a pretty early day for the United States Commerce Court, as I recall it. They had not been doing very much business; at least, I had heard nothing of them, and whether they had met and decided cases or not I did not know.

I talked to perhaps a half a dozen people—I do not recall who, but lawyers who ought to have known about those things; they were practicing in that kind of business—and I got no information. It was my idea of coming down here. I may have spoken to Mr. Martin about it—I would be very apt to; he was right in the building where I was—and asked him how I got into that court. I asked some one surely, and they told me that the appeal was taken to the United States Commerce Court. I knew there must be some record, and I knew they must get in there in some way. Therefore I came down to see if I could get the record, the docket entries, and things of that sort, and see what it was. When I got there I was surprised at the meager mention of the case. There was not much to it, and the young man got those books—he went out somewhere and got them—and I saw they were numbered, and I supposed they were given to somebody there, and he kindly gave them to me. That is what I came for, to get what information I could in relation to this matter, and I should have asked Judge Archbald to give me the information—I will volunteer that now—if I had not gotten it somewhere else. But I did get it through his clerk, what I wanted, and I would not have believed I was corrupting; I would not have believed there would have been anything wrong about it for me to have asked him to get me some way of getting at the record of a case that was pending before him.

Mr. FLOYD. As a matter of fact, did you not ask him to do it?

Mr. WATSON. I did not, because I did not have to. I asked the young man if he could get me the books. He said he could, and the young man went in and got them. I do not know who he was.

Mr. FLOYD. Did you not state that when you went into the Commerce Court room there was some young man in there with Judge Archbald, and you had a conversation, were talking, and Judge Archbald introduced some other person to you, and that this person Judge Archbald introduced to you went and got the books? Did you not state that?

Mr. WATSON. If I can be understood, the way I recall now was that when I went to that building—

Mr. FLOYD. I am asking you did you not state that?

Mr. WATSON. Not as you put it, no; because that is not true. I do not think I saw the young man until after I had seen Judge Archbald.

Mr. FLOYD. That is the way I put it.

Mr. WATSON. Judge Archbald was standing there—I remember the fact now; I met Judge Archbald, and we went in the building together. Maybe I asked him where I could see him—I imagine I did, now, send a telegram asking him if he would meet me at a place I knew. I did not know where the court met, and I think he met me at some place, but I can not tell you where now.

Mr. FLOYD. Then you sent two telegrams, did you?

Mr. WATSON. That was sent, perhaps, from Philadelphia, on my way down here; I think so.

Mr. FLOYD. On your way down here you sent another telegram?

Mr. WATSON. Yes, sir.

Mr. FLOYD. Have you a copy of that?

Mr. WATSON. No, sir; I do not keep copies of telegrams.

Mr. FLOYD. You do not keep copies of telegrams?

Mr. WATSON. I do not, unless I am dealing with people—

Mr. FLOYD. Then, at Philadelphia, or somewhere along the line, you sent him a second telegram?

Mr. WATSON. I think I asked him where I could meet him.

Mr. FLOYD. Where did you meet him?

Mr. WATSON. I do not know where; I asked him to, anyhow.

Mr. FLOYD. Did you meet him on the street?

Mr. WATSON. Let me recall what I did when I got in here, if we have to come to the details of that. I remember now that I came to Washington, and the hour of the day I can not give you, because I got mixed up on a train in Philadelphia and did not get down quite as early as I ought to have got here. I left the station after inquiring of somebody what car to take to get to the Hotel Raleigh, and I went to the Hotel Raleigh and I checked my satchel there, and my recollection now is that I met Judge Archbald at the Hotel Raleigh, and we walked together up to this Commerce Court. I told him I wanted the records, if I met him there; that is what I told him. He says, "We will go up to the building; there is no one there." Saturday afternoon there would not be anybody there, just as I expected when I left home, and when I sent the telegram. We walked up together, and I am not very well acquainted in your city, but I think the building is at Fourteenth and H Streets.

That is just a guess. I think there is where it was. We went in the side of the building—not H Street—and we rose up on the elevator to some floor above, and when we got off there and went to Judge Archbald's office this young man came along and Judge Archbald introduced him to me and said I was a lawyer from Scranton, and I asked the young man if he knew where I could get these books, if I could see the records. He says, "He is not the clerk, he is"—something, some other position. Then I asked him, and presently another young man came there, and the second one who came is the one who got the books for me. Judge Archbald said, "I would like to introduce you to Judge Mack"—no; Judge Hunt. So we walked over in the corner of the building somewhere and he introduced me to Judge Hunt, and when we came out there was a nice looking gentleman there, and he says, "This is Judge Mack, from Chicago." I had heard of Judge Mack, and I made some remark about a gentleman in Chicago that I knew. I did not try to bribe him. Then he says, "There is another man over there I would like you to meet," and that was Judge Knapp. I had met him, so Judge Knapp said. I did not recall it, but he said I had met him before, and I shook hands with him then. I did not offer him a thing; and we left.

The CHAIRMAN. Why did you remark just now that you did not try to bribe him?

Mr. WATSON. Because it gets pretty close to the fact, as I understand it, by innuendo, that I was down for some improper purpose to this judge.

The CHAIRMAN. Did anybody send you down here to bribe Judge Knapp or anybody else?

Mr. WATSON. I have heard it around here some. There has been some hinting I want to resent.

The CHAIRMAN. I would like to know who has hinted at it.

Mr. WATSON. Perhaps my skin may be a little thin on that subject. I think I have heard it.

The CHAIRMAN. I had heard nothing of the sort, and I wanted to get what that remark, interjected at that point, meant.

Mr. WATSON. Well, I read in the evidence that Christy Boland, or some one, said in this trial that I told him I had two judges besides Judge Archbald that I could rely on in the United States Commerce Court to decide cases my way; it is in your record; something like that. That may be putting it a little stronger than it really appears; and I never met those men.

The CHAIRMAN. You said that Boland said that you told him that?

Mr. WATSON. Yes.

The CHAIRMAN. And that you read that in the record?

Mr. WATSON. I read it in the record; something like that.

The CHAIRMAN. Are you not mistaken about it?

Mr. WATSON. Or in a newspaper or something. I do not know where I read it.

The CHAIRMAN. You read that statement?

Mr. WATSON. Yes, sir; that I had two judges—

Mr. WEBB. I do not think he attributed that much influence to you.

The CHAIRMAN. I never heard that much influence attributed to you.

Mr. WATSON. Let us change it and put that I said I had. That is the way they always put it.

Mr. WEBB. He said that you said that you had two judges you could influence?

Mr. WATSON. He must have said that I said that the judge said to me so.

Mr. WEBB. Or, rather, that you told Boland that the judge could influence two other judges?

Mr. WATSON. Then I beg the committee's pardon. I supposed I was the guilty one, that I was doing it myself. I have not very much influence, I know.

Mr. WEBB. He did not say that, either.

Mr. NORRIS. Mr. Watson, the object of your coming down to Washington to get the papers, or to see the record in the Meeker case, was to enable you to prepare yourself to meet the railroad officials in that conference that was going to take place in Scranton, was it not?

Mr. WATSON. Yes, sir; I wanted to know something about how they did those things, that is all, and I did not know it.

Mr. NORRIS. Those people you were going to meet in Scranton were simply officials of the railroad; you were not going to argue this case in court, were you?

Mr. WATSON. No; but we were going to talk about rates.

Mr. NORRIS. And you wanted to know something about rates so you would be able to cope with them in that negotiation, did you not?

Mr. WATSON. Yes.

Mr. NORRIS. That was the object of your coming to Washington?

Mr. WATSON. Yes.

Mr. NORRIS. You got what you call "books" when you came down here?

Mr. WATSON. That is all.

Mr. NORRIS. These two [indicating]?

Mr. WATSON. I did get another one.

Mr. NORRIS. What other one?

Mr. WATSON. Something like that; some amendment to those.

Mr. NORRIS. This is entitled "United States Commerce Court, case No. 49, Lehigh Valley Railroad Co., petitioner, v. The United States, respondent. Brief for Henry E. Meeker, surviving partner of the firm of Meeker & Co." That is one of the books, is it?

Mr. WATSON. Yes.

Mr. NORRIS. The other one is in the same case, case No. 49, United States Commerce Court, entitled the same way, October session, 1911, brief for petitioners. That, I take it, is the railroad company's brief?

Mr. WATSON. Yes.

Mr. NORRIS. These are the two books that you have been speaking about, these briefs?

Mr. WATSON. Yes, sir.

Mr. NORRIS. What was the other book?

Mr. WATSON. Something like that. It was either an amendment or else that is an amendment of the other one.

Mr. NORRIS. It was, perhaps, a reply brief, or something like that?

Mr. WATSON. No. The book you have in your hand, I think, is the Valley book, is it not? That is the one that the railroad company filed?

Mr. NORRIS. Yes.

Mr. WATSON. My recollection is that perhaps this book contains more than the other one.

Mr. NORRIS. It does.

Mr. WATSON. No; but I mean the other one I got. I got two books of the Valley Railroad.

Mr. NORRIS. You had two of their briefs instead of one?

Mr. WATSON. Yes; but one was not as full as the other, or there was something there.

Mr. NORRIS. You did not get anything except briefs?

Mr. WATSON. I looked at the record—at the docket, or something they had there.

Mr. NORRIS. I believe you testified here that that was one of your objects in coming down?

Mr. WATSON. Yes; I wanted to see what sort of a record they had there.

Mr. NORRIS. You wanted to see the docket entries?

Mr. WATSON. It would hardly be that. The record would be all they had there.

Mr. NORRIS. If you did not mean what you said, tell us what you do mean.

Mr. WATSON. I wanted to get the whole case.

Mr. NORRIS. The docket entries would be part?

Mr. WATSON. Yes; and this would be part [indicating book].

Mr. NORRIS. Now, tell the committee, will you, what good you expected, what benefit you expected, in negotiating with these railroad officials would be any knowledge you might have of what was on the docket, what were the docket entries in another case entirely independent of the one you were trying to settle?

Mr. WATSON. I can tell you in one moment what I had in my mind when I came here. My experience with railroad companies is that they deny everything in sight; they will not agree to anything until you bring them up to where they can see. Their vision is affected on anything that concerns them. You have to bring them forcibly up to it. I understood from the newspapers, or from Mr. Boland also, and from others I had talked with, that this Meeker case was tried greatly to the advantage of Mr. Meeker; that they had reduced the rates of the railroad company; and that Mr. Meeker was likely to recover a couple of hundred thousand dollars by the reduction of the rates. Now, you say it was on an entirely different case. A case where a railroad company is shipping coal from about the same point, and the same sizes, and to the same destination, is pretty nearly the same case.

Mr. NORRIS. It was not shipping coal from the same point, was it?

Mr. WATSON. Yes; they were within almost a stone's throw of the same point. The Lackawanna Valley opens into the Wyoming Valley, and they are not 15 miles apart.

Mr. NORRIS. As a matter of fact, what information did you get that was of any benefit to you in those negotiations?

Mr. WATSON. The benefit I got was just what they reduced them, and I argued it very stoutly and very long before Mr. Truesdale.

Mr. NORRIS. Will you point out to me the place in either one of these briefs where you got that information?

Mr. WATSON. I think I can show you where it was reduced two or three grades.

Mr. NORRIS. I would be very glad to have you show me that. [Handing the witness briefs.]

Mr. WATSON. I think I can. I am not familiar with the book now. It has been out of my hands a long time.

Mr. NORRIS. You went over it carefully, did you not?

Mr. WATSON. Yes; but I do not hug things so long as that.

Mr. NORRIS. Your memory was good at that time?

Mr. WATSON. It was not so good at that time, either. My recollection is that it was a comparison of rates we were making here, and the things I got I do not seem to put my hand on.

Mr. NORRIS. The information you are looking for is where they reduced the rates, so that you could show in this other case how they reduced the rates in the Meeker case? [After a pause.] Mr. Watson, I do not want to delay the committee too long.

Mr. WATSON. You are asking me to look for something in this book. I have found where this rate is discussed here.

Mr. NORRIS. Now, Mr. Watson, just let me call your attention to the fact that those are briefs.

Mr. WATSON. I understand that. They were appeals.

Mr. NORRIS. You can not find in those briefs any action, of course, that the courts took in that case?

Mr. WATSON. But I can find what the attorneys said they took. I did not have the decree.

Mr. NORRIS. You were getting to it, and you said you did argue at great length what they had done in the Meeker case?

Mr. WATSON. I did; and perhaps I have it in the other book.

Mr. NORRIS. Is it not true that the Meeker case was not decided, and that they had not done anything, and that it was never decided on its merits?

Mr. WATSON. They reduced several sizes.

Mr. NORRIS. At this time the Commerce Court had not taken any action in the Meeker case; and how could you use anything in the Meeker case with these railroad officials to show what action the court had taken in that case?

Mr. WATSON. I simply did it by calling their attention to certain reductions I knew of, and I got the information from what they did.

Mr. NORRIS. But there could not be any information in the briefs filed by attorneys before the case was disposed of?

Mr. WATSON. This case was before the United States Commerce Court, and the United States Commerce Commission had gotten through with it, as I understood it.

Mr. NORRIS. Yes; the Interstate Commerce Commission?

Mr. WATSON. Yes; and it was their finding that I was talking about and not the court's.

Mr. NORRIS. Their finding was in issue in that court?

Mr. WATSON. Yes.

Mr. NORRIS. Did you expect to use that?

Mr. WATSON. Yes; because it gave me information as to what they might expect.

Mr. NORRIS. No; that could not possibly be, because it was the Commerce Court that was going to pass upon it. Why did you go to the Commerce Court to get what the Interstate Commerce Commission had done?

Mr. WATSON. Because I went to those books to get what the Interstate Commerce Commission did.

Mr. NORRIS. They do not show it. They show the claims made by the respective attorneys. Do you want this committee to believe that a lawyer of many years' experience and practice would go to the Commerce Court and get the briefs of the attorneys in order to find out what the Interstate Commerce Commission had done, when, right in the same city, he could go over to the Interstate Commerce Commission and get their decision directly?

Mr. WATSON. Yes; but I did not know it.

Mr. NORRIS. You did not know it?

Mr. WATSON. I did not. I am frank to say that I never knew anything about the Interstate Commerce Commission.

Mr. NORRIS. You have just said that it was the action of the Interstate Commerce Commission that you were looking for.

Mr. WATSON. It was; I wanted the information.

Mr. NORRIS. Then you did know there was such a thing?

Mr. WATSON. Did I know it? I have known it ever since they have been in existence. But to go before them, to get them to have anything to do with this, or to study their decisions, I never did in my life, because I never was interested.

Mr. NORRIS. You wanted to arm yourself, for this argument with these railroad officials, with the action of the Interstate Commerce Commission in the Meeker case?

Mr. WATSON. That is just what I wanted.

Mr. NORRIS. And you were right here in Washington where the Interstate Commerce Commission sits?

Mr. WATSON. Yes.

Mr. NORRIS. And did not go to get it?

Mr. WATSON. I did not know. I perhaps did not know how; I will admit that.

Mr. NORRIS. You went to the Commerce Court?

Mr. WATSON. Yes.

Mr. NORRIS. And satisfied yourself by taking the briefs of the attorneys?

Mr. WATSON. Yes; and something else; I got something else.

Mr. NORRIS. The other one was a brief?

Mr. WATSON. I think it was a brief of some kind.

Mr. NORRIS. You got matter for the argument that you expected to be of benefit to you up in Scranton, and that is the reason you wired Judge Archbald and came clear down here to Washington, was it?

Mr. WATSON. To a man who knew nothing about the practice before the Interstate Commerce Commission any information I could get would be very agreeable to me.

Mr. NORRIS. You did not get any information at all?

Mr. WATSON. I got information—

Mr. NORRIS. As a matter of fact—

Mr. WATSON. I got information enough so that they admitted what I said was true.

Mr. NORRIS. The record of the Interstate Commerce Commission you did not get?

Mr. WATSON. That is true, unless that other book was the record of the Interstate Commerce Commission. I do not know whether it was or not.

Mr. NORRIS. It is not likely you would get that in the Commerce Court?

Mr. WATSON. No; I do not know. I do not know any other place only there. I do not know what I had. Somebody gave it to me.

Mr. NORRIS. You said in the beginning of your testimony, that you went to see Judge Archbald about the practice in the Commerce Court?

Mr. WATSON. That is the first thing I did.

Mr. NORRIS. That is, after you had been employed by the Bolands?

Mr. WATSON. Yes.

Mr. NORRIS. You were employed, then, in a case that was before the Interstate Commerce Commission that you thought might eventually get to the Commerce Court?

Mr. WATSON. No, sir; it was not before the Interstate Commerce Commission.

Mr. NORRIS. Where was it?

Mr. WATSON. Oh, I guess it was; yes.

Mr. NORRIS. Did I state it correctly?

Mr. WATSON. Yes; that is right.

Mr. NORRIS. And you wanted to know the procedure in the Commerce Court so that you would know what to do in case your case did reach that court?

Mr. WATSON. Yes.

Mr. NORRIS. And you went to see Judge Archbald to get that information?

Mr. WATSON. I spoke to him about it; yes, sir.

Mr. NORRIS. You testified that at that time you had not even read the law providing for the Commerce Court?

Mr. WATSON. I had not.

Mr. NORRIS. As a lawyer, does it not appear to you that when you finally got a case that might possibly reach this court, the way to find

out what the court was would be to read the law instead of going to the judge who presided and asking what the law was when he would have to pass on the case when you got up to it?

Mr. WATSON. I did not ask him what the law was. That was not it. It was a matter of practice. I have practiced long enough to know that the courts fix their own rules of practice. That is what I was talking to him about.

Mr. NORRIS. You had not read the law?

Mr. WATSON. I had not.

Mr. NORRIS. Does it not appeal to you as a lawyer of a great many years' standing that before it is necessary for you to find out what the practice is you ought at least to read the law?

Mr. WATSON. I did; that day.

Mr. NORRIS. You did that afterwards?

Mr. WATSON. Yes; I did it that day. I got a little pamphlet, or something that had the act printed in it, and I read it.

Mr. NORRIS. Now, Mr. Watson, will you tell the committee that, employed as an attorney in a case involving quite a large sum of money, employed by the Bolands in a case pending before the Interstate Commerce Commission, in order to equip yourself for an argument with the railroad officials you knew was coming on soon, it being necessary for you to find out something about what the Interstate Commerce Commission did, you sent this telegram and then followed it up and then came down to see Judge Archbald without going to the Interstate Commerce Commission or making any attempt to get the record or the decision or the opinion in that case?

Mr. WATSON. It may seem so to you, but, so far as I recall now, it did not appeal to me.

Mr. NORRIS. Does it seem to you that a man who will accept a fee, or who expects to get paid for his services as an attorney, and who pursues that course is entitled to any fee for his services?

Mr. WATSON. I do not know why I would not be entitled to it if I brought about a settlement, no matter what happened, or how I got the information. But I want to answer the question. You asked a question. I had been led to believe, through Mr. W. P. Boland, from the beginning, that the railroad company would be particularly anxious to settle this rate case if they could get some excuse for paying the money.

Mr. NORRIS. You are not answering my question, Mr. Watson.

Mr. WATSON. And that was the reason why, perhaps, nothing was looked up until we got advantageously close to it. Then I did want to know more about it.

Mr. NORRIS. You were seeking information as to what the Interstate Commerce Commission had done in the Meeker case?

Mr. WATSON. I was.

Mr. NORRIS. Can you explain to this committee, when you were seeking this information, why you did not go where you must have known the information existed?

Mr. WATSON. I thought the information existed in this court.

Mr. NORRIS. Where?

Mr. WATSON. I thought I could find it in the United States Commerce Court.

Mr. NORRIS. Did you not know that you would not find it?

Mr. WATSON. I did not.

Mr. NORRIS. You did not know when you got those briefs you had not found it?

Mr. WATSON. I did; I supposed I did. I had some other paper that gave me the information I wanted.

Mr. NORRIS. You have already testified that that other paper was a brief.

Mr. WATSON. It was the same kind; yes.

Mr. NORRIS. So that it would be along the same line of these you have testified to and identified?

Mr. WATSON. Perhaps so.

Mr. NORRIS. Do you know now what the Interstate Commerce Commission did in the Meeker case?

Mr. WATSON. I know that at that time they had reduced the rate on two or three sizes of the coal.

Mr. NORRIS. Did you ever read the opinion in the Meeker case?

Mr. WATSON. I have not; because it was handed down since my coming—since I have been out of this case.

Mr. NORRIS. I am speaking of the decision of the Meeker case before the Interstate Commerce Commission. That had been passed on prior to this date, because the case had been appealed by the railroad company, and was pending in the Commerce Court.

Mr. WATSON. I did, at the time, know it was a reduction on the smaller sizes of the coal.

Mr. NORRIS. I asked you, have you ever read the opinion?

Mr. WATSON. No; I do not think so.

Mr. NORRIS. The opinion had been written and was published and was a public document.

Mr. WATSON. Yes; I suppose so.

Mr. NORRIS. Prior to the time you were arming yourself for this controversy with the railroad officials?

Mr. WATSON. I presume it was.

Mr. NORRIS. And you were seeking information in regard to that very case and what they did, and never looked it up to see?

Mr. WATSON. I was seeking information—

Mr. NORRIS. You satisfied yourself by getting some briefs filed by attorneys in the case?

Mr. WATSON. I was seeking the information and I thought I had it.

Mr. NORRIS. You know you did not have the opinion in those briefs?

Mr. WATSON. I do not know but what I did have it, or there was some expression.

Mr. NORRIS. Did you not, as a matter of fact, as a lawyer, know you did not have the information when you had those briefs?

Mr. WATSON. If those are the only books I had, I know that the opinion is not in these books.

Mr. NORRIS. Certainly.

Mr. WATSON. I know that now.

Mr. NORRIS. You knew that then, did you not?

Mr. WATSON. Well, I presume, if I examined these books, I did. I read these books, and I read the other one.

Mr. NORRIS. If you came all the way to Washington to get them you did not go away without knowing what you had, did you?

Mr. WATSON. I presume I did.

Mr. NORRIS. Then you knew you did not have the opinion?

Mr. WATSON. I do not know whether I had the opinion in the other book or not; I do not know what was in it.

Mr. NORRIS. The other book was a brief?

Mr. WATSON. I think it was.

Mr. NORRIS. You knew that the opinion would not be in the brief—there might be a reference to it—and you knew that to get that opinion all you had to do was to go to the Interstate Commerce Commission, or to send a telegram from Scranton to the clerk of the Interstate Commerce Commission and get that opinion by mail quicker than you got it this way, could you not?

Mr. WATSON. I presume I could, if I had known that. I did not know; that is all.

Mr. WEBB. Let me ask you a question again. You carried these important briefs back that you came all the way down here, 250 or 300 miles, for. Did you show them to Mr. Truesdale, and say, "Here is your railroad that has a case pending in the Commerce Court"? Did you say, "Mr. Truesdale, here are the briefs. You have a case pending down there in court, and I have been down to Washington, and I saw Judge Archbald yesterday, and I know something about these rates now, and you had better just stand and deliver"?

Mr. WATSON. No, sir; I never spoke to Mr. Truesdale in that way.

Mr. WEBB. Did you show him the briefs?

Mr. WATSON. No, sir. I showed him one I had, in which I claimed certain rates. I showed him a paper I had with these printed on it, what we claimed.

Mr. WEBB. Did you know that this suit was one pending in the Commerce Court when you came down here?

Mr. WATSON. I did not.

Mr. WEBB. You did not know it was then pending?

Mr. WATSON. No; I did not.

Mr. WEBB. And that it was dismissed only here in April on motion of counsel for the railroad?

Mr. WATSON. No, sir.

Mr. WEBB. When you went to the judge about this rate case, I ask you if he did not tell you that this rate action was a very good one to settle out of court; Boland's case?

Mr. WATSON. No, sir.

Mr. WEBB. That was not ever said by the court.

Mr. WATSON. No. I heard it was said to Boland, but it never was to me; or else I have read it in the papers that it was said to Boland.

Mr. WEBB. Has there been any feeling between you and Judge Archbald in the last 10 years?

Mr. WATSON. I do not know; I would not want to say that; no.

Mr. WEBB. You have been very close friends, then, have you?

Mr. WATSON. Well, I would not say that we had.

Mr. WEBB. You impressed me that, for some reason, you did not practice before Judge Archbald's court.

Mr. WATSON. I do not think I ought to be compelled to state all my personal reasons for not being there. If the committee asks for it, I will tell them why.

The CHAIRMAN. Unless it has some bearing upon this matter.

Mr. WATSON. Absolutely nothing. It was simply a matter of the appointment of Judge Archbald under certain conditions, when he was appointed judge; and after I knew he was going to be appointed judge, I helped him; and maybe I ought not to have done it, because there are certain reasons—

Mr. WEBB. That is not the reason you have not practiced in his court, is it?

Mr. WATSON. I did not go over there the next day to help him open court, and I did not go back for some little time; but I had no feeling about it.

Mr. WEBB. You have not had any?

Mr. WATSON. No; I like Judge Archbald very much.

Mr. WEBB. As a matter of fact, you hold a position now to which you were recommended by the judge, do you not?

Mr. WATSON. If he recommended me, I want to thank him now; I did not know that he did.

Mr. WEBB. Do you hold the position now?

Mr. WATSON. I do.

Mr. WEBB. What is it?

Mr. WATSON. It is solicitor for the county of Lackawanna.

Mr. WEBB. And you did not know that the judge, if he ever did recommend you, had done it?

Mr. WATSON. No. I wish to thank him, if he did it, because I did not know it. I supposed that I got it from an entirely different source.

Mr. WEBB. When I examined you awhile ago I did not know that you had wired the judge a second message to meet you somewhere in Washington. Did you wire him on your way down here to meet you at the Raleigh Hotel?

Mr. WATSON. I do not know. I think very likely I did, if he met me there.

Mr. WEBB. Do you remember now? Awhile ago you remembered the very side of the street you went up on, and every little detail.

Mr. WATSON. I did not remember the side of the street I went up on, but I met him at the Raleigh Hotel, and we walked up to this building.

Mr. WEBB. Was it raining?

Mr. WATSON. Maybe not, when I got in here; but it had been raining, and it did rain afterwards.

Mr. WEBB. It rained before and after?

Mr. WATSON. Maybe not; just at that moment it was not raining.

Mr. WEBB. You remember you went into this building from the H Street side?

Mr. WATSON. Yes; I did. I know how we got into the building, because one winter I lived on the corner opposite that, a number of years ago, and I noticed the building and its location when we went in, and I noticed the Shoreham Hotel from where we went in.

Mr. WEBB. I thought you were an entire stranger here?

Mr. WATSON. I have been down here a couple of times.

Mr. WEBB. Can you tell us where you wired the judge to meet you; that is, at what point did you wire the judge to meet you?

Mr. WATSON. From what point did I send the telegram?

Mr. WEBB. No; you sent that telegram from somewhere on the way. But where did you tell the judge to meet you here in Washington?

Mr. WATSON. That is a blank to me. But if he met me at the Raleigh Hotel, that is probably where it was.

Mr. WEBB. That is the only reason you have? I thought you met him on the street?

Mr. WATSON. It was in front of the hotel, I imagine. That is what I think; I think, now, he was standing in front of the hotel.

Mr. WEBB. You just happened to go up and meet him there?

Mr. WATSON. No; it was the place I expected to meet him; I have no doubt of that.

Mr. WEBB. Do you know what street the Raleigh Hotel is on?

Mr. WATSON. Yes; Twelfth Street and Pennsylvania Avenue.

Mr. WEBB. That is right; and you can not tell us now, although you know where the Raleigh Hotel is, what point you wired the judge to meet you?

Mr. WATSON. I do not; but from the fact that I checked my satchel in the Raleigh Hotel—I remember that very well—I suppose that I asked him if he would meet me at the Raleigh Hotel. I presume I did.

Mr. WEBB. You presume you did?

Mr. WATSON. Yes.

Mr. WEBB. Can you not swear that you did or did not? You told us a while ago about going to the Commerce Court and meeting one fellow and another, and meeting the judge, and what was said. Can you not tell us what was in your telegram you sent to the judge?

Mr. WATSON. No; I can not. If I were going to tell you my best recollection, I would say, "Meet me at the Raleigh Hotel," at a certain time, and that time I knew when it was, when I would arrive here. I think that is just what I did say.

Mr. WEBB. Is not that a very peculiar telegram from a man who is coming down to Washington seeking information about a case about records to wire a United States Commerce Court judge to meet him at a certain point in this city? Do you think you sent the judge any such telegram as that?

Mr. WATSON. I do not know, but I imagine that is what I sent, something like that. I think I did. I think I knew, from some information that I had gotten, that the courts were closed on Saturday afternoon, and I thought I knew the judge well enough to ask him to meet me at a certain place. I did not know I was going to the Commerce Court when I met him. I had no idea where I was going. I expected to go somewhere where I could get this information, and I heard that the appeals were in the United States Commerce Court. That is all I knew.

Mr. WEBB. You do not even know the time of day when you came here?

Mr. WATSON. It was later than I expected to get here, on account of something the matter with the train.

Mr. WEBB. Do you remember about the time it was?

Mr. WATSON. I would say noon—about 12 o'clock; something like that. It may have been an hour earlier.

Mr. WEBB. When did you leave him?

Mr. WATSON. I went away from here at 6; I do not know that I left him at 6.

Mr. WEBB. You were with him from 12 to 6 o'clock?

Mr. WATSON. I think I was, nearly all the time. We sat down on a bench in the hotel, or somewhere, and talked.

Mr. WEBB. In the Raleigh Hotel?

Mr. WATSON. Perhaps so; maybe it was the Pennsylvania Station; I do not know. I know that I sat down somewhere with him and talked, not in the court building.

Mr. WEBB. When you say you were employed to assist in this case of the Marian Coal Co. against the railroad company in the Commerce Court, did you know Mr. Reynolds was their counsel then?

Mr. WATSON. Yes; that was talked.

Mr. WEBB. Why did you not go to Reynolds to get his opinion about these things, the practice that you talked about?

Mr. WATSON. Mr. Reynolds would not settle with the Lackawanna—so Christy Boland told me after—that he would not settle with the Lackawanna, and they wanted some one who would settle this case. What the reason was I do not know. I told them I would not take hold of the case and try it out, or go into the Commerce Court, unless Mr. Reynolds agreed to it, and they said: "You settle this with the Marian washery case."

Mr. WEBB. That was all the authority you had to settle the Marian washery case?

Mr. WATSON. No; this case was put in. As I say, they used the Marian washery case to give the Lackawanna an opportunity, or a chance to buy them out without paying rates.

Mr. WEBB. Were you ever employed by the Bolands before in any lawsuit in your life?

Mr. WATSON. Never. I have known Christy Boland a great many years. He was treasurer of the city of Scranton when I was an adviser of the mayor at that time, and I learned to know him very well; and then he ran for treasurer—county treasurer—at a time when some of us got licked, and I was among them, and so was Mr. Boland. We were together more or less then, although we were on opposite tickets.

Mr. WEBB. That is not necessary—

Mr. WATSON. And I knew him very well.

Mr. WEBB. You were never employed by him before?

Mr. WATSON. No; unless it was in some minor matter, to see some-

body.

Mr. WEBB. Can you tell the committee why you did not consult Reynolds about this important litigation?

Mr. WATSON. Because I was advised not to, and I did not know what I was going to do, and what I had. The washery case had nothing to do with Reynolds, and this was hooked on afterwards.

Mr. WEBB. Did you know that Reynolds would not recognize you in the case at all?

Mr. WATSON. Did I know?

Mr. WEBB. Yes.

Mr. WATSON. I do not know what Mr. Reynolds would do, whether he would recognize me or not. He has often recognized me when he wanted something; I know that.

Mr. WEBB. Had you not heard—

Mr. WATSON. I do not dodge anywhere for any Reynolds I ever knew that was ever born under the sun.

Mr. WEBB. You did know that Mr. Reynolds was more of a rate expert lawyer than you were?

Mr. WATSON. I know that Mr. Reynolds has been fiddling around this Commerce Commission for some time; that is, I heard that within the last year. I never knew it before; I did not know what his business was.

Mr. WEBB. He could have told you how to get the record in this case without coming to Washington after it.

Mr. WATSON. Maybe; I do not know. I do not know what he knew. I did not go to him because I was advised not to.

Mr. WEBB. Are you sure you did not come to Washington until after the conference with Truesdale?

Mr. WATSON. Sure. I know that the conference with Truesdale—this letter—I could not have told anything about this if I had not got some data. This letter is dated on the 2d; the telegram was on the 6th, and I know it was after the 6th.

Mr. WEBB. Of October?

Mr. WATSON. Of October; it was after that telegram.

Mr. WEBB. How do you know it was after the 6th?

Mr. WATSON. Because I met them on Monday or Tuesday.

Mr. WEBB. That could have been the 6th, could it?

Mr. WATSON. Yes, sir; it is an answer to that letter.

The CHAIRMAN. What letter? Name it so that it may go in the testimony.

Mr. WATSON. The letter of October 2, 1911.

The letter referred to, heretofore marked "Exhibit 86," was at this point read in the record by the witness, as follows:

Exhibit 86.

OCTOBER 2, 1911.

Mr. E. E. LOOMIS,

Vice President Delaware, Lackawanna & Western

Railroad Co., 90 West Street, New York City.

DEAR SIR: In relation to a matter existing between the Marian Coal Co. and your road and coal department, and also a claim against the traffic department of your road, which I have had under consideration here, and with which I presume you are more or less familiar, I decided, after a conference with your Mr. Phillips, of the coal department, to ask for a meeting with you and the president of your road, Mr. Truesdale, if convenient, at the earliest time you could find your way clear to meet me, either in New York or Scranton. If you will kindly advise me, either by wire or letter, I will hold myself in readiness to meet you on a few hours' notice.

I am, very truly, yours,

Mr. WEBB. I asked you if you did not have this conference with Mr. Truesdale and Mr. Loomis on the 6th day of October, the very day this telegram was sent to Washington?

Mr. WATSON. No.

Mr. WEBB. You are willing to swear to that, are you; you remember distinctly it was not?

Mr. WATSON. I know it could not have been, because I know what I was occupied in that day. I know Mr. Boland was in my office in the morning, and it was a matter of some concern about getting away and how we could do it, and he came back in the afternoon, and then he brought his brother with him—Mr. William Boland came with him in the afternoon, after he had taken the telegram; he took the telegram in the morning.

Mr. WEBB. You swear that telegram was not sent after you had the conference with Mr. Truesdale?

Mr. WATSON. Surely, or I would not have been asking for the conference.

Mr. WEBB. I wish you would not reason about it; are you willing to swear it was not sent on the day you had the conference with Truesdale?

Mr. WATSON. On that day?

Mr. WEBB. Yes.

Mr. WATSON. I do not know when the telegram was sent. The telegram I wrote was written on the 6th of October, apparently.

Mr. WEBB. Yes.

Mr. WATSON. I was in Washington the 7th day of October. I came down here on the 7th. I know the meeting with Truesdale was several days after that.

Mr. WEBB. When were you subpoenaed to come down to Washington?

Mr. WATSON. Saturday noon, I think.

Mr. WEBB. You mean last Saturday noon?

Mr. WATSON. Yes.

Mr. WEBB. With whom have you discussed this case, or who has talked to you about it, since it sprang up.

Mr. WATSON. Some people have laughed at me, that is all, because I was subpoenaed.

Mr. WEBB. Has anybody talked to you about this case? You know what I mean.

Mr. WATSON. What I was to say, or what they wanted me to say?

Mr. WEBB. Has anybody discussed the case with you at all?

Mr. WATSON. No.

Mr. WEBB. Not a living soul?

Mr. WATSON. No; not to mention the case—only the fact of my coming.

Mr. WEBB. Just laughed at you?

Mr. WATSON. Some have, yes; not everybody.

Mr. WEBB. You can not remember a single person during the last two months who has discussed this case with you?

Mr. WATSON. That is too long. I was not subpoenaed two months ago. I suppose I have talked about it many times in two months.

Mr. WEBB. I was going beyond the subpoena. I want to know if, in the last two months, anybody has talked to you about this case, and, if so, who it was.

Mr. WATSON. Within two months, since this case has been called here, there has been more or less discussion of the case. I presume I have talked with a dozen people.

Mr. WEBB. Who were some of them?

Mr. WATSON. I could not tell you one.

Mr. WEBB. Not a single soul?

Mr. WATSON. No; because it was a source of common gossip, the talk of the streets; people were talking about it.

Mr. WEBB. Did you talk with men or women?

Mr. WATSON. Judge Edwards talked to me about it, if I knew anything about it. Judge Kelly, who is now off the bench, he says, "What do you know about the Archbald case?" Gorman Thomas says, "I hear you have to go to Washington and testify. What do you know about it?" Mr. Allen, another man who is in the commissioner's office, was present when I was subpoenaed, and he says, "It serves you right," or something of that kind. Something was said about my going to Washington. But to get down into the merits of the case, nobody ever talked to me about it.

Mr. WEBB. Not a soul ever asked you what you knew about it?

Mr. WATSON. I do not know; I suppose they did, and I answered them in just as short a way as I could.

Mr. WEBB. Who was it?

Mr. WATSON. I do not know, but I think I have heard that from somebody, "I wonder what he is going to swear to," or "What does he know?"

Mr. WEBB. Would you not know if a man were so impertinent as to ask you what you were going to swear to?

Mr. WATSON. I was in the prothonotary's office—that is the clerk's office in our State—a day or so ago, since this case has been discussed here, and there were some people said about what they were going to swear to, "What does he know?" or "What does this one know?" or

"What does that one know?" That was by the clerks in the office, and I can name one or two of them I know. Whether it was they or not I do not know who asked this question.

Mr. WEBB. Has any lawyer in Scranton ever asked you what you knew about it?

Mr. WATSON. I do not recall any now. They all knew pretty well, because they were reading the newspapers.

Mr. WEBB. Have you seen or talked with the judge in the last few months about anything?

Mr. WATSON. Judge Archbald?

Mr. WEBB. Yes.

Mr. WATSON. I saw Judge Archbald two or three weeks ago on Sunday, when I was either going to church or he was—no; I was going to church and he was coming down. That is all the time I have seen him that I recall in two or three months.

Mr. WEBB. What did you talk about?

Mr. WATSON. I do not know. I think I asked him how he was getting along—maybe I did. Maybe he said it was going all right—something like that.

Mr. WEBB. "It" was going all right—did you mean this matter?

Mr. WATSON. I think I alluded to it, if I said that. I have no doubt that something was said about this hearing, but the nature of it I do not know. I can not talk to Judge Archbald about this matter.

Mr. WEBB. You did; you broached it to him; asked him how he was getting along.

Mr. WATSON. Just incidentally; but to go into the detail, I would not do it, and I have not talked to him.

Mr. WEBB. You never mentioned your connection with the case at all; what you knew?

Mr. WATSON. I do not think so.

Mr. WEBB. Do you not know? That has just been three weeks ago.

Mr. WATSON. That I mentioned my connection?

Mr. WEBB. Can you not be more frank with us and tell us the truth, whether or not you talked about this case with Judge Archbald?

Mr. WATSON. I did not talk with Judge Archbald about anything I would testify to, or what I did, or what I said, or what I was going to say.

Mr. WEBB. What did you talk to him about?

Mr. WATSON. If I talked to him I asked him incidentally what was going on down here.

Mr. WEBB. And that was all?

Mr. WATSON. And he replied the same, and I went on my way, and he went on his way.

Mr. WEBB. That is all that was said?

Mr. WATSON. That is all I recall. There might have been more said. I do not know what was said. He might have talked about something else. He might have talked about some condition; might have asked me if I remembered something.

Mr. WEBB. Had Williams testified then?

Mr. WATSON. You have got me. Williams has been testifying off and on here for so long that I do not know.

Mr. WEBB. Had any witnesses testified then, when you and the judge met and discussed matters on Sunday morning?

Mr. WATSON. I can not say that. I have been fairly busy in the last week or 10 days, or two weeks, and I have not charged my mind with every little thing that has been going on there. I have not been reading this case, except at nighttime when I would go home I would pick up the newspaper.

Mr. WEBB. You knew the judge was on trial down here?

Mr. WATSON. I knew that there was a committee appointed for the purpose, or he was cited before the Judiciary Committee of Congress; I knew that. I did know that later along Mr. Martin and Mr. Price had come down here, after some one told me that.

Mr. WEBB. You knew all that, and you knew that when you and the judge met that morning?

Mr. WATSON. No; when I met the judge was before they came.

Mr. WEBB. They had been doing something down here; some testimony had been taken?

Mr. WATSON. But I do not think these people were here.

Mr. WEBB. Do you mean to say now that you have told us everything you said to the judge and all the judge said to you about this case in the conversation on Sunday morning three weeks ago?

Mr. WATSON. I mean to tell you that I do not recall the conversation that I had with Judge Archbald, that would be of any importance here; I do not know whether it was just simply a kind of a good morning talk, of a friendly matter, or something of that sort. I do recall that I asked him how he was getting along, and I think he told me all right.

Mr. WEBB. You had not talked to him for quite a while before that?

Mr. WATSON. I suppose I had, in three or four weeks before that, before he came down here.

Mr. WEBB. That is as near the details of that conversation as you can give us now?

Mr. WATSON. There was nothing talked about this case.

Mr. WEBB. You said there was.

Mr. WATSON. Nothing but that, to get into the detail of the case; he did not confide in me.

Mr. WEBB. I know he did not confide in you.

Mr. WATSON. He did not tell me.

Mr. WEBB. You do not say now that you have told all that was said there?

Mr. WATSON. I say that, as near as I can recall, the conversation about this case was simply the answer of this question.

Mr. WEBB. Could your mind be a blank on that subject like it was as to the point where you were to meet the judge; in the telegram, I mean? Could it be a blank there?

Mr. WATSON. No. It is not a blank on the telegram. I say if Judge Archbald met me at the Raleigh Hotel, that is where I asked him to meet me in the telegram. He met me where I asked him to meet me.

Mr. WEBB. That is as near as you can tell us the details of the conversation you had with the judge the first time you saw him after he was cited to appear down here? Have you seen him since to talk with him?

Mr. WATSON. Yes; I talked to him. I said, "How do you do this morning?"

Mr. WEBB. Have you seen him any other time; anywhere else outside of this room?

Mr. WATSON. Yes; down on the corner of the street. I walked down with him, and Mr. Worthington was making some arrangement for them to go down town, and Judge Archbald's sons were along with him. Maybe we went down on the elevator together; I do not

know that. But I know I met them on the corner of the street, because I asked somebody where I could get something to eat, and they told me to go around here somewhere.

Mr. WEBB. You do not know whether you went down on the elevator with him or not?

Mr. WATSON. I do not know.

Mr. WEBB. Why did you say you may have gone with him?

Mr. WATSON. He may have been on the elevator; I do not know. I am not tagging him up. When I got out there I know I saw him on the street corner, because I talked to him. I spoke to him something about the weather, or the way he was going down town.

The CHAIRMAN. Mr. Watson, since this investigation has been begun by this committee of Judge Archbald's conduct, you say you had a conversation with him in Scranton about the investigation?

Mr. WATSON. No; I do not think I met him but once, and that was when I asked him how he was getting along.

The CHAIRMAN. I just simply want to get at what you said and what he said at that time. As near as you can tell the committee, oblige us by telling, as near as you can recollect, what the judge said and what you said.

Mr. WATSON. The only thing I recall asking him was how he was getting along, and he replied; he may have told me considerable, and may have said, "Well, we are going along; we have been taking testimony"; and he may have given me something of the nature of the testimony. I do not recall whether he did or not. But he led me to understand it was all right, it was getting along all right, just as he expected it would. That is about all there was of it.

The CHAIRMAN. That was on Sunday?

Mr. WATSON. On Sunday morning. I remember telling him that I was going to church when I met him.

The CHAIRMAN. I wish you would tell the committee exactly what happened at this conference between you and Mr. Truesdale and Mr. Loomis, everything that you said, everything that Mr. Truesdale said, everything that Mr. Loomis said, and in your own way; I have not got that matter clear. There have been disjointed statements, more or less, made, and I would like to have a verbal photograph, if I may so speak, of the conversation had between the three of you.

Mr. WATSON. I will try to give you the conversation.

The CHAIRMAN. Just what Truesdale said, just what Loomis said, and just what you said, without going off into foreign matter.

Mr. WATSON. Do you desire me to give you the reason I went there?

The CHAIRMAN. No, sir. Just find yourself right in conference with Truesdale and Loomis, and tell us exactly what Truesdale, Loomis, and you said, as near as you can, and as fully as you can remember.

Mr. WATSON. I went to the office of the Lackawanna road—it is in the depot, the new depot, the coal office is over it—and sat down there for a moment, and some young man took me into Mr. Phillips's office adjoining the room I was in, and Mr. Phillips met me and shook hands with me, and in a moment or so Mr. Loomis and Mr. Truesdale came in the office. There may have been some one else, but if so I do not remember who it was. I knew them, however; if there was anybody there in that meeting I knew them all, except Mr. Loomis. I was introduced to Mr. Loomis, and Mr. Truesdale spoke to me, or maybe was introduced to me by Mr. Phillips, and he said, "Mr. Watson, you have something here?"

The CHAIRMAN. Who said that?

Mr. WATSON. Mr. Loomis said that; and he says, "Mr. Phillips tells me that you want to turn over the Marian dump," and he says, "Let me see if I am right about that. You are asking \$160,000 for it." I said, "No; not for that alone. We had in mind the settlement of the rate features." "Oh," he says, "we do not acknowledge anything, any liability on rate cases." He says, "At the best there could not be over a thousand or two dollars on the rate cases."

Then I got into an argument with him about that these rates had been fixed in an arbitrary way, and in the time when there was no supervision over rates, and that the Lackawanna had been slow to change their rates, that they had kept their switching charges, which I had a memorandum of. If they were true, it was the most outrageous charges I ever heard of they were charging these people for shipping their cars, and I read those to him. "Well," he says, "switching engines cost money," or something of the kind, and laughed about it. Finally Mr. Truesdale wanted me to show him those switching charges, and I read them to him, and handed him the paper I had them marked on.

Now, I recall there was something like 30 cents charged to one man, a coal operator, and I may be mistaken, but it strikes me it was more than a dollar to Mr. Boland for a like service, or to this washery. He said that could not be so, and they would investigate it. We got at the washery, and he turned to Mr. Phillips and asked Mr. Phillips—I think this was Truesdale that asked Phillips—if he had made up the data on that washery, and he said he had, and he read it, or a summary of it, or the conclusions that he had come to, and I am quite sure that he said it inventoried \$14,000, and he says, "What are you asking us \$161,000 for?" I tried to explain to him that it was a settlement of rates and that I had been advised by Mr. Boland that I could not settle a rate claim with them, and that they could use this washery, and buy it for that amount of money, and that would adjust their rate cases. He said that the amount was too high, and that he would not recognize any claim of more than twelve or fifteen thousand dollars.

He said it was enough; and then Mr. Loomis told me what a washery it was and how little profit there was in the business, and how the Peale story of, I think, not cleaning the coal was true; that the Peale story of a trade of coal from the Lackawanna, giving it to the Lackawanna and taking something else in return for it; he said it was all rot. This is Loomis that said that. Mr. Phillips rather supplemented that; said it was not true. Then I talked with Mr. Loomis about the advisability of adjusting those matters and doing away with the litigation, and he said that that was true, but that the amount asked was too great; that they could not excuse themselves for spending \$150,000, or \$160,000, or even less—he told me how much; I think about twenty or fifteen thousand, or something, would be the maximum amount. I showed him the map that had been given me by Mr. Boland, and we spread it out—this map—and it was a map showing rates to different points; and some of them did look to me—I will be frank—they looked to me as if they were overcharges and as if there were discriminations. I tried to point that out to him, and he said, "Oh, well, they never ship any coal there." That I was not prepared to answer; and so we passed along from one question to another, and from one proposition to another, along about the same lines as that. We put in nearly a whole morning, and when we got through everybody shook hands, and Mr. Loomis said, "I can not consider a proposition of that kind"; and

I went to Mr. Boland and told him—I think Will Boland first—and from that day until this I have done nothing toward an adjustment.

Some little time after that—two or three days after—I returned all of the papers and the data that I had; whatever memoranda I had saved I gave to him, and I recall there were contracts, there was a charter—a copy of a charter—there was a map, and there was a good many features and some considerable evidence that had been taken somewhere along the line, perhaps in the Peale case, and I returned all those to Mr. Boland. He took them away with him from my office. That is some few days after this happened, you know. That is about all I recall.

The CHAIRMAN. Did Mr. Truesdale say at that conference that this effort on your part to negotiate the sale of the Marian Coal Co.'s property was a holdup?

Mr. WATSON. No; I never heard that until here.

The CHAIRMAN. Did he characterize it in language of a similar import?

Mr. WATSON. Nothing of that kind. I would have known that. I would have recalled that if he had said anything of that kind; nothing that I recall at all of that kind.

The CHAIRMAN. Do you testify now that you have not received any letter from Judge Archbald relating to this matter, this Marian Coal Co. property matter, while the judge was in Washington?

Mr. WATSON. It seems to me as if, in reply to something I wrote, he did send me a letter.

The CHAIRMAN. Have you that letter?

Mr. WATSON. I have not.

The CHAIRMAN. Do you remember what the substance of it was?

Mr. WATSON. No; I do not. I do not know that it had anything to do with this case; it may possibly have had something—

The CHAIRMAN. What did you write to the judge about?

Mr. WATSON. I do not know.

The CHAIRMAN. Do you not remember that you did write him a letter about this Marian Coal Co. property?

Mr. WATSON. No. I have an indistinct recollection of writing to him—I do not know whether that was Washington or whether I was somewhere and wrote home to him—but writing to him something about I had not seen Mr. Loomis. Maybe I was in New York and wrote him, and it may be possible that I wrote him from Scranton saying I had not seen Mr. Loomis; and some other matters that I do not know what it would be.

The CHAIRMAN. Do you remember about the date of that letter you wrote him?

Mr. WATSON. No. It would be before I was here, though. It would be before I came down here some time. I do not know whether there was any court here then.

The CHAIRMAN. Since you recall having written a letter, will you state as near as you can what the substance of it was?

Mr. WATSON. If I wrote a letter to Judge Archbald that had any bearing on this case whatever, or any mention of it, it was in relation to my having failed to meet Mr. Loomis. I think Judge Archbald told me on the street, or wrote me, that he had seen Mr. Loomis and that Mr. Loomis would be very glad to meet me, just as he had volunteered on the day I was over there first and talked about this case.

The CHAIRMAN. Did you examine your file before coming here to see whether you had a copy of your letter to Judge Archbald, or a copy of his reply to yours?

Mr. WATSON. I have not got that. I know that, because I did look. When I say to you, gentlemen, so that you will understand the situation—you may think I am very dull and am trying to dodge things—when I say to you that through last September or October I was in bed a good bit of the time, and during the month of December there was some doubt about whether I would get out, and therefore matters are somewhat confused, and it is about that time I left my office—practically left my office—and went over across the street to the commissioner's office, and I have been there employed a good deal, and therefore I can not put my hand on everything as I would like to do in my office; and I do not know, and it is because I am so lazy on this subject; it is because I have doubts about it, and I do not know.

The CHAIRMAN. I have no disposition to reflect either on your memory or your desire to be frank with the committee. I am not questioning either one of these. I merely want to test the accuracy of your memory, and I want to get as fully as I can your whole testimony.

Mr. WATSON. I will say this: If I thought that Judge Archbald could have helped me to have gotten any conference with Mr. Loomis I would certainly have asked him after our first meeting. I either did ask him, or he told me he knew Mr. Loomis and would introduce me, or something of that kind was said in that meeting. Whether he said he would write to him, or whether he said he came here, I do not know; but I know we talked about it and he would introduce me to him. But if I had wanted to get Mr. Loomis, there is not a man under the stars whom I would have asked quicker than Judge Archbald, who would have given me a letter to Mr. Loomis. If I wrote him a letter touching this matter it was on that subject and no other.

The CHAIRMAN. Mr. Watson, if you can, will you please tell the committee what is the explanation, if any, that you know of, for Judge Archbald calling up Mr. Phillips on the phone and requesting him to come over to the house at that conference you said something about in the earlier part of your testimony?

Mr. WATSON. From the fact that I never heard of it until Col. Phillips told it here to-day, I have not very much of an opinion about it. I would have to think the matter over. I do not know.

The CHAIRMAN. Do you remember, since you have heard Col. Phillips tell about it here to-day?

Mr. WATSON. Do I remember what?

The CHAIRMAN. Do you remember of the conference with Judge Archbald?

Mr. WATSON. No; I never heard of it. I never heard of the conference never heard of anything; so I know nothing about it; absolutely nothing.

The CHAIRMAN. Do you know why Judge Archbald interested himself in the matter at that point, or subsequently?

Mr. WATSON. I do not. He certainly did not do it at my request, because I did not know it was done until I heard it here.

Mr. WEBB. A few days ago it was asked here if Judge Archbald had not written Mr. Christy Boland, saying, "My Dear Christy: I have seen the parties and the case can not be settled," or something like that; and later Mr. Worthington introduced a letter addressed to G. M. Watson, starting out "My Dear George," and stating practically the same?

Mr. WORTHINGTON. No; the letter produced was addressed to Christy—"My Dear Christy."

The CHAIRMAN. The "Dear Christy" letter was put in evidence.

Mr. WORTHINGTON. No; I did not put it in evidence. I showed it to C. G. Boland, and he could not identify it.

Mr. WEBB. Where is that letter?

The CHAIRMAN. I think you will find in the printed record the letter addressed to C. G. Boland, and beginning "My Dear Christy."

Mr. WORTHINGTON. It begins "My Dear Christy." That is the letter. I really do not recollect whether I have it here or not. I handed it up to some of the committee at the time.

Mr. WEBB. I would like to see a copy of that letter. I thought you offered it in evidence, but I do not find it here.

Did you ever get such a letter as that from Judge Archbald, saying "My Dear George: I have seen the parties, and the transaction is all off"?

Mr. WATSON. No. Judge Archbald never told me that he had ever said one word to those people, so I do not know if he did or did not. If he did, he never communicated that fact to me, either by word of mouth or letter. Let me correct myself just a little on that. I think that I did know of the fact, either through him or somebody else, of his talking with Loomis at the club before I ever went near them. I think I did know that.

Mr. WEBB. Did what?

Mr. WATSON. I think some one told me that Judge Archbald met Mr. Loomis at the Scranton Club before I took this matter up with the Lackawanna road, before I had even met Mr. Loomis. I think I heard that, and maybe Judge Archbald told me that he did meet him there. Outside of that, Judge Archbald has never said one word to me about a statement of this case, price, condition, or settlement, when I was going to settle, or what I was going to do with the proceeds.

Mr. WEBB. Then you never heard from Judge Archbald at all after this conference of the 6th of October; Judge Archbald has never told you on the phone, or talked to you, or written you, that the transaction was all off?

Mr. WATSON. In relation to this case?

Mr. WEBB. This case.

Mr. WATSON. Yes.

Mr. WEBB. This is the only case you have had to do with?

Mr. WATSON. No; I do not think so. I do not think I ever talked with him about it at all. As a matter of fact, I did not see Judge Archbald very much, and I would remember if he had talked with me about this case, and I do not think that he did or that I did.

Mr. STERLING. You say some one told you that Judge Archbald had talked to Loomis at the club about it?

Mr. WATSON. That is another hazy thing. Perhaps it was Judge Archbald who told me that he had seen Mr. Loomis up at the club?

Mr. STERLING. About this case?

Mr. WATSON. No; about the meeting. You know that is the way he talked about the meeting.

Mr. STERLING. That occurred before ever you were in the case at all. You said a moment ago you had not even engaged yourself to the Bolands, or had not taken it up with the railroad company. Somebody told you that Judge Archbald had talked with Loomis at the club about it, at the time, about that case?

Mr. WATSON. Before I had gone to the Lackawanna; I think I had this case for a month or two before I went up.

Mr. STERLING. You said that occurred before you had been engaged by the Bolands.

Mr. WATSON. If I did, then I want to correct my testimony, because I know nothing about Judge Archbald talking with him, except it happened since my engagement on these cases.

Mr. STERLING. Who told you that they had a conversation at the club?

Mr. WATSON. It may have been Judge Archbald who told me that he had met Mr. Loomis there.

Mr. STERLING. What did Judge Archbald tell you they had said?

Mr. WATSON. I do not know, unless he said to me that "I met Mr. Loomis, and he will meet you." I know I got that information, and I am sure from Judge Archbald, that Mr. Loomis told him he would meet me.

Mr. STERLING. Where did that conversation occur?

Mr. WATSON. It may have happened in his office or it may have happened on the street; I do not know. I did not go to his office very much—very frequently. I do not recall his being in my office.

Mr. STERLING. How did he come to tell you that?

Mr. WATSON. Because he volunteered to introduce me to Loomis, or I had asked him to do it. He either said he would, or I asked him if he would not do it.

Mr. STERLING. This was not in his office when you told him that you—

Mr. WATSON (interrupting). That was right in his office.

Mr. STERLING. It was there that he told you he had talked with Loomis?

Mr. WATSON. No; because he had not talked with him then. It was after that that he talked to him.

Mr. STERLING. Where was it?

Mr. WATSON. It may have been in his office.

Mr. STERLING. Where did you see him where he told you he had talked with him at the club?

Mr. WATSON. I would think it was in his office.

Mr. STERLING. Did you go there to see him about it?

Mr. WATSON. No.

Mr. STERLING. What did you go for?

Mr. WATSON. I do not know.

Mr. STERLING. You did see him, then, and asked him if he had talked to Loomis?

Mr. WATSON. I do not think I did. I think he voluntarily said he had seen Loomis and Loomis would see me. I am quite sure he told me that.

Mr. STERLING. He volunteered to tell you that he had seen Mr. Loomis and that Loomis would see you with reference to this dump?

Mr. WATSON. You have included not only what he volunteered to say, but what Mr. Loomis said. I would not go as far as that. But my recollection is that Mr. Loomis would see me. I think that is what he said. I recall very well the morning I went along past his door, he was talking with some man—perhaps Mr. Green, or somebody—and he says, "Say, by the way, I saw that man." That is what I remember about it. "You can see him. It will be all right. Make an arrangement with him. You had better do it through somebody." Whether he mentioned the man or not, the man at the station who would know when he would be there, to call me on the phone.

Mr. STERLING. How long was that after your first conversation?

Mr. WATSON. I do not know. Maybe a week, maybe two weeks, maybe three weeks; I do not know.

Mr. STERLING. He just said to you, then, that he had seen that man?

Mr. WATSON. Yes.

Mr. STERLING. You knew whom he meant?

Mr. WATSON. When he mentioned his name I stopped.

Mr. STERLING. Did he mention his name, or that he had seen "that man"?

Mr. WATSON. Yes.

Mr. STERLING. Did he just say to you that he had seen that man?

Mr. WATSON. Yes; but I stopped, and he said, "Mr. Loomis will meet you," as I recall it now.

Mr. STERLING. What other conversations did you have with Judge Archbald?

Mr. WATSON. I do not think any at that time, and I do not know that I talked with him since.

Mr. STERLING. Are you acquainted with these two gentlemen who sit on either side of Mr. Worthington [referring to Mr. Price and Mr. Martin]?

Mr. WATSON. Yes; I think I know them. I have known them a great many years.

Mr. STERLING. Mr. Martin and Mr. Price; are those their names?

Mr. WATSON. Yes.

Mr. STERLING. How long have you known them?

Mr. WATSON. I have known Mr. Price for more than 30 years.

Mr. STERLING. They live in Scranton?

Mr. WATSON. Yes. I have known Mr. Price for more than 30 years, and I have known Mr. Martin since he was a boy living up at Moscow.

Mr. STERLING. They are practicing attorneys at Scranton?

Mr. WATSON. Oh, yes.

Mr. STERLING. And they have offices in the same place you do, the same building?

Mr. WATSON. Mr. Martin's office is in the Connell Building. Mr. Price's office is in the board of trade now, I think; is it not, Mr. Price?

Mr. PRICE. Yes.

Mr. STERLING. Has either of those gentlemen talked to you about this case since it became public?

Mr. WATSON. No.

Mr. STERLING. Since the papers first published an account of these charges?

Mr. WATSON. No, sir. I have not spoken to Mr. Price until I met him, I think, here this morning. I have not seen him since this matter has been going on. Mr. Martin, I met him—I do not know when he came home—some time when he came home from here; maybe it was Saturday night or Sunday, this last week some day, when he came up; I saw him on the street by the office building, and I said to him, "How are you getting along?" He says, "All right. I can not talk to you now," and he went into the building.

There was some lady with him, maybe a stenographer that came over with him. That is the extent of my conversation with Mr. Martin until yesterday morning on the train. Mr. McGardee and Mr. Martin got on the train I was on, and I did not want to get off because they got on, and I have been advised that Mr. Martin would not talk to me; but he did, and we talked about everything from killing chickens to running automobiles, from Philadelphia, or Wayne Junction.

Mr. STERLING. Have you ever talked with Mr. Martin about this case?

Mr. WATSON. I have not.

Mr. STERLING. If you had said that five minutes ago you would have saved a lot of time.

Mr. NORRIS. I want to ask you again, Mr. Watson, about that meeting with these railroad officials. In answer to the question of the chairman you reviewed what happened. Have you told us all that occurred?

Mr. WATSON. I do not think I have told half that was said there, because there was more or less talk about these matters.

Mr. NORRIS. You know the chairman asked you to tell all?

Mr. WATSON. I can not tell all.

Mr. NORRIS. Have you told all you know?

Mr. WATSON. I have told about all that I can remember, only I know there was a great deal more conversation, because we talked an hour and a half.

Mr. NORRIS. In listening to you tell what occurred there I did not notice that you made any use of those briefs you had come to Washington to get at the time you wired Judge Archbald.

Mr. WATSON. You did not notice it?

Mr. NORRIS. No.

Mr. WATSON. I will tell you what I did, and the brief I had before that committee. I had a statement made up of my own, made from the data given me by Mr. Boland, together with what I had learned as to the rates that had been changed in the Meeker case.

Mr. NORRIS. I do not care for that; that is not answering my question. Will you tell us the use you made of those briefs?

Mr. WATSON. Only the information I got from them; that is all.

Mr. NORRIS. You have not told us anything yet. All the information you have told about using was what you got from Mr. Boland, or simply you knew yourself.

Mr. WATSON. I did not get very much information from those books; no; that is true. But I did get a discussion of rates in there.

Mr. NORRIS. You had a discussion of rates?

Mr. WATSON. Yes.

Mr. NORRIS. But you did not accomplish anything on that, notwithstanding those briefs in that other case. You did not seem to know enough about rates to hold up your end of the debate with those officials.

Mr. WATSON. I knew what they were doing there, and the largest part of this matter was made up of a shipment to Stroudsburg, and to, maybe, the Lehigh & Hudson—some railroad; I forget the title of it now. That was the largest thing we talked about. There were a good many hundred dollars, a good many thousand dollars.

Mr. NORRIS. Do you remember the date of that?

Mr. WATSON. That I can not give you, because the paper there—

Mr. NORRIS. It was Monday or Tuesday after your trip to Washington?

Mr. WATSON. This meeting?

Mr. NORRIS. Yes.

Mr. WATSON. My recollection is it was.

Mr. NORRIS. Can you be positive it was after your trip to Washington?

Mr. WATSON. I can be positive; so that I am sure that I did not meet those people until Monday or Tuesday after the 6th.

Mr. NORRIS. After the 6th?

Mr. WATSON. Yes; I am sure of that.

Mr. NORRIS. I want to ask you again, Will you swear positively that that meeting with those officials in Scranton occurred after your trip to Washington, the time you had wired Judge Archbald to meet you?

Mr. WATSON. No, sir; I will not swear positively to anything that happened after that meeting; I do not know.

Mr. NORRIS. Do you want this committee to understand that you do not know whether that took place before or after that trip to Washington?

Mr. WATSON. I am of the opinion that it took place after my coming here, and I do not know how it could have taken place before, because I am sure I came here for information, and I would not have come for information.

Mr. NORRIS. You know whether it took place before or afterwards, do you not?

Mr. WATSON. My recollection is it took place before.

Mr. NORRIS. But you will not swear to it?

Mr. WATSON. I want to get some data, because I do not know.

Mr. NORRIS. Then why do you not say so?

Mr. WATSON. The thing may have happened, and it may not have, that I used those books, and I came after them for that purpose, just that very purpose, and it was for my information.

Mr. NORRIS. You might have come after them for some other purpose?

Mr. WATSON. No; not some other purpose; it was on the same case.

Mr. NORRIS. Then you must have come after them for that purpose. I would like to know, if you can tell, if you can make it positive, whether that thing took place before or after your trip to Washington?

Mr. WATSON. My recollection is that is what I came to Washington for—to get the information.

Mr. NORRIS. I know; you said that before.

Mr. WATSON. That is my recollection, and I swear to the best of my recollection that is what I did.

Mr. NORRIS. That is all.

Mr. WEBB. On that point, you say the next day was Sunday?

Mr. WATSON. After I was here? Yes.

Mr. WEBB. You were here on the 6th?

Mr. WATSON. No; I was here on the 7th. It was the 6th that I sent the telegram.

Mr. WEBB. You were here the 7th, were you?

Mr. WATSON. Yes. I remember that I went from New York up on Sunday, because I could not get up from Philadelphia on the Belvidere branch.

Mr. WEBB. Then the conference must have been somewhere about the 10th?

Mr. WATSON. It may have been later in the week; but I think it was right close on the heels of my being here. If I had kept a record, which I thought I had, I could have given you the dates.

Mr. WEBB. Did you ever tell Mr. Boland that Judge Archbald would not take your watch, but he might take your chain?

Mr. WATSON. No, sir; I never heard of that until I read it in the papers.

Mr. WEBB. You never used that expression?

Mr. WATSON. I never did in my life in relation to Judge Archbald; no. I never heard it until I read it in the papers.

Mr. WEBB. Are you in the habit of using that expression? Is that one of your expressions?

Mr. WATSON. In relation to a watch and chain? I should say not. I do not think I ever used that expression. I thought it was a kind of a new one on me, "take your chain and leave your watch," or "take your watch and leave your chain." I do not know that I ever heard that. It sounded foreign to me.

Mr. WEBB. I ask you if you did not show W. P. Boland a letter from Judge Archbald starting out, "Dear George," and telling you that the deal had fallen through. Do you not remember getting that letter?

Mr. WATSON. I say positively that I never received a letter like that from Judge Archbald; never; and I could not have shown it to Boland if I had not received it.

The CHAIRMAN. Mr. Worthington, you may question the witness if you desire.

Mr. WORTHINGTON. One thing, there has been some testimony here in relation to you that I have not heard you asked about, and that is about a division of the difference between one hundred thousand and a hundred and sixty thousand dollars into fours. Have you read the testimony on that subject?

Mr. WATSON. Yes.

Mr. WORTHINGTON. What have you to say about it, Mr. Watson?

Mr. WATSON. I never heard that until I read it.

Mr. WORTHINGTON. Had there been any suggestion by anybody, while the negotiations were going on, that Mr. Phillips or Mr. Loomis should participate in what was to be paid?

Mr. WATSON. Absolutely not.

Mr. WORTHINGTON. Was there any suggestion at any time that Judge Archbald should receive anything in any way as compensation for what he did in this matter?

Mr. WATSON. Not to me; I never heard of it.

Mr. WORTHINGTON. Was there anything said about that by anybody, to your knowledge?

Mr. WATSON. No; I do not know anything about that. Only two people that I ever heard was to get any money out of this, and one was Reynolds and one was me. That is all I ever heard of.

Mr. WORTHINGTON. Have you any recollection of a statement that has been prepared for use in this matter on behalf of the Bolands, prepared by their former clerk, Mr. Pryor?

Mr. WATSON. In this case?

Mr. WORTHINGTON. Yes; in the negotiations for a settlement with the railroad company. You said you had a lot of figures.

Mr. WATSON. Plenty of figures, but I do not know who prepared it.

Mr. WORTHINGTON. Do you remember having anything that was in the form of a statement of the claims of the Bolands against the railroad company?

Mr. WATSON. I think the paper Mr. Boland gave me showed shipping charges, switching charges, rates, and mileage, and it was brought to me in rather a fragmentary way, and then afterwards compiled. I had it in form when I was over before the railroad people.

Mr. WORTHINGTON. What did you do with that paper that was in form?

Mr. WATSON. I gave it back to Mr. Boland.

Mr. WORTHINGTON. Which Mr. Boland?

Mr. WATSON. Mr. W. P. Boland, I think, took all of the papers, the contract, a copy of the charter, and a map, and everything. I told him I could do nothing with it, and I gave it to him.

Mr. WORTHINGTON. When did you give it back to him?

Mr. WATSON. It was just after this interview. When I decided I could not do anything, that is when it was; I do not know when that was.

Mr. WORTHINGTON. About the third paper that you received when you were down here in Washington, on the 7th of October; do you recall anything about what the indorsement on it was?

Mr. WATSON. No; because it may have been a statement of this case; I do not know.

Mr. WORTHINGTON. What has become of that paper?

Mr. WATSON. I do not know; I supposed I had it.

Mr. WORTHINGTON. What instruction was given to the clerk, or the official who went off to get the papers? What was said to him about what he was to get?

Mr. WATSON. I think I told him that I wanted to get the record of this case. I think I gave him all the instruction that was given him. I think I asked him what he had on that Meeker case, and he brought back this stuff.

Mr. WORTHINGTON. Can you tell the committee whether or not that other paper book which you got was a copy of the petition which was filed in the Court of Commerce, and which contained the opinion in full of the Interstate Commerce Commission in the case?

Mr. WATSON. I could not tell you, but I know I got information from one of these papers, and I did not find it in these books.

Mr. WORTHINGTON. As to these books, look on page 17. There is something there I would like to have read into the record, about what the Interstate Commerce Commission had said in the way of reducing rates. Will you look at that book, on page 17?

Mr. WATSON. I remember seeing that.

Mr. WORTHINGTON. I would like to have that read into the record.

The CHAIRMAN. All right.

Mr. WATSON. I remember seeing this somewhere.

Mr. WORTHINGTON. Read it into the record, then, just that quotation.

Mr. NORRIS. Let us get what it is first.

Mr. WORTHINGTON. It is a quotation.

Mr. NORRIS. I understand it is a quotation taken from the brief.

Mr. WORTHINGTON. Taken from the brief.

Mr. NORRIS. Which brief?

Mr. WORTHINGTON. It is one for Meeker.

Mr. NORRIS. State also from what the quotation is taken, so that we will understand just a little what he is reading.

The CHAIRMAN. Yes; tell us the title of the pamphlet, and then the page the quotation is on.

Mr. WORTHINGTON. The heading at the foot of page 16—

The CHAIRMAN. What is the name of the pamphlet?

Mr. WORTHINGTON. I have already stated it is a brief that was filed on behalf of Meeker in the Commerce Court.

The CHAIRMAN. By whom?

Mr. WORTHINGTON. By William A. Glasgow, jr., counsel for Henry E. Meeker, surviving partner.

The CHAIRMAN. You desire to read something?

Mr. WORTHINGTON. On page 17, under the heading, "The conclusion reached by the commission was," then in quotation marks the conclusion reached by the commission in the reduction of rates.

The CHAIRMAN. The witness says he remembers having read that.

Mr. WATSON. I do not remember reading that. I remember I got the information somewhere, and I might possibly have read that; I presume I did.

Mr. WORTHINGTON. May I read it, to save the witness?

Mr. WATSON. I wish you would.

The CHAIRMAN. You may read it, Mr. Worthington.

Mr. WORTHINGTON. The quotation is this:

"After careful study of defendant's exhibits, relating to tonnage and cost of movement, as well as a painstaking analysis of defendant's voluminous exhibits respecting its past and present financial condition, we are of opinion, and so find, that defendant's rates for the transportation of coal from the Wyoming region to Perth Amboy of \$1.55 per gross ton on prepared sizes, \$1.40 on pea coal, and \$1.20 on buckwheat coal are unreasonable so far as they exceed \$1.40 on prepared sizes, \$1.30 on pea coal, and \$1.15 on buckwheat."

Have you any means of fixing, by reference to anything you have, or may be able to put your hands on, the date of that meeting with Mr. Truesdale and Mr. Loomis in Scranton?

Mr. WATSON. I have nothing but this letter [indicating].

Mr. WORTHINGTON. That is the letter of October 2?

Mr. WATSON. Marked "Exhibit 86." That is the only thing I have, and I am quite sure that I met these people very soon after, and I think it was the following Monday or Tuesday. That is from recollection. I recall that I was advised of their coming by some one calling me, which I believe to have been Mr. Phillips, who was here and testified. On that call, or that notice that they would be in Scranton, I went to the station and met them.

Mr. WORTHINGTON. That is all, Mr. Chairman.

Mr. NORRIS. May I see that brief you read from, Mr. Worthington? I want to ask the witness a question about this [referring to brief]. This statement that was read by Mr. Worthington from page 17 of this brief you say was called to your attention, and you got that information somewhere?

Mr. WATSON. Yes; I read it somewhere; and more than that, very much more than that.

Mr. NORRIS. The information contained in that statement would not be of any value, would it, in that discussion with those railroad men?

Mr. WATSON. It found the fact; that is all.

Mr. NORRIS. That is one of the things that had been appealed from and was pending in this Commerce Court?

Mr. WATSON. Yes; but it found a fact?

Mr. NORRIS. It was not settled?

Mr. WATSON. I could not go to the railroad company and say, "This is the law." But to a man who knew nothing about it, it would give some light on the subject—how to approach it.

Mr. NORRIS. This particular quotation was not the finding of the Interstate Commerce Commission in the particular case that you would have up for discussion with these railroad officials, was it?

Mr. WATSON. Certainly not. That was only the view they took on rates; that is all.

Mr. NORRIS. They say in that quotation:

"Rates for the transportation of coal from the Wyoming region to Perth Amboy of \$1.55 per gross ton on prepared sizes, \$1.40 on pea coal, and \$1.20 on buckwheat coal are unreasonable so far as they exceed \$1.40 on prepared sizes, \$1.30 on pea coal, and \$1.15 on buckwheat."

Where is Perth Amboy?

Mr. WATSON. It is on tidewater in New Jersey, close to New York. That is a point where the freights, or the tariff, is just the same as it is to Hoboken, across the river.

Mr. NORRIS. And the Wyoming region was this same region?

Mr. WATSON. The Wyoming region is a few miles below Scranton, and it is the same freight belt, the same loop.

Mr. NORRIS. Do you know whether that is the only quotation from the opinion of the Interstate Commerce Commission that you saw?

Mr. WATSON. I do not recall that. I do not recall reading that out of that book. I do not know whether I did or not. I presume I did.

If I read the book, I read it.

Mr. NORRIS. I thought you studied it so closely you would perhaps remember it yet.

Mr. WATSON. I perhaps read the facts and a good bit about that case; I think I did.

Mr. NORRIS. Do you know whether there is another quotation in this brief?

Mr. WATSON. I do not.

Mr. NORRIS. Do you know whether there is another quotation from the Interstate Commerce Commission opinion in the other brief?

Mr. WATSON. I do not.

Mr. NORRIS. Do you know whether there is any quotation in the brief we do not have here?

Mr. WATSON. I do not.

Mr. NORRIS. Who paid your expenses down to Washington to get these two briefs?

Mr. WATSON. If it is pertinent and necessary to be known, I will tell you.

Mr. NORRIS. I think it ought to be known.

Mr. WATSON. I prepared the telegram, and some time in the afternoon Mr. Christy Boland came and gave me \$50.

Mr. NORRIS. What for?

Mr. WATSON. To come to Washington.

Mr. NORRIS. That was to pay your expenses?

Mr. WATSON. I suppose so. That is what I used it for.

Mr. NORRIS. And all you got for that \$50 were these two little briefs here—

Mr. WATSON. All I got.

Mr. NORRIS (continuing). That could have been gotten by mail by the expenditure of about 4 cents postage?

Mr. WATSON. That perhaps was true.

Mr. NORRIS. And, as a matter of fact, these briefs were not what you wanted, and did not do you any good?

Mr. WATSON. It seems not. If I did not get any other information, they do not seem to be worth quite \$50. But I had information enough, so that I kept them dancing for an hour and a half.

Mr. NORRIS. What you were trying to get you could have gotten for less than 10 cents, could you not?

Mr. WATSON. If you knew a man was going to meet you on Monday, and you expected to have a conference quickly, and you wanted the information, and you thought you had to have it, you would hunt around for it, would you not?

Mr. NORRIS. I do not know whether I would or not. If I were a practicing lawyer and took \$50 from my client to do what you did here I would rather be under the impression that I ought to plead guilty to something. As a matter of fact, you were employed in this particular case, were you not, and we presuppose you must have had some knowledge, when you wanted to get an Interstate Commerce Commission opinion, where to go to get it and how to go about to get it.

Mr. WATSON. I do not care to answer that question, if that is your view of the matter. They may have gotten a good bit more for the \$50. I think they did. They have gotten more than they ever paid for; I know that.

Mr. NORRIS. All they got for that \$50 were these little pamphlets?

Mr. WATSON. You can conclude that is so.

Mr. NORRIS. If there is anything else I would like to have you tell it; you are on the witness stand and under oath.

Mr. WATSON. I do not know that the \$50 was paid for simply coming to Washington. It was paid along with the expenses of the case. And still I do not know but what he gave it to me—I know he would not have given it to me if I had not been coming to Washington.

Mr. NORRIS. It would take that to pay your expenses, would it not?

Mr. WATSON. No; I do not think so; I am not very expensive.

Mr. NORRIS. You go to see judges and to the Hotel Raleigh in Washington?

Mr. WATSON. Judge Archbald, as I have known him—I never could induce him to drink; and I quit some time ago, and so I do not have to have any expense of that kind, and I think my expenses would be about \$15, usually.

The CHAIRMAN. Mr. Worthington has said he would probably want to ask you a question to-morrow, Mr. Watson, if he finds a certain paper. I have asked him if he gets that paper to show it to you, and if he then determines that he wants you to remain over to-morrow to interrogate you about that paper, you will remain over. But unless he tells you he wants you to remain over for the purpose of examining you about the paper, you may be discharged and go home.

Mr. WEBB. I want to ask that Mr. Worthington place in evidence now the letter beginning "My Dear Christy," from Judge Archbald.

Mr. WORTHINGTON. I have not that letter here, and my recollection is it was put in evidence. I think it was passed up and put in evidence.

Mr. FLOYD. That is my recollection of it, but I can not find it anywhere in the evidence.

Mr. WORTHINGTON. If you are absolutely sure that it is not among the exhibits, I must have it, and I will make a search among my papers for it.

Thereupon, at 6.06 o'clock p. m., the committee adjourned until to-morrow, Tuesday, May 28, 1912, at 10 o'clock a. m.

COMMITTEE ON THE JUDICIARY.

HOUSE OF REPRESENTATIVES.

Tuesday, May 28, 1912.

The committee met at 10.35 o'clock a. m., Hon. HENRY D. CLAYTON (chairman) presiding.

Present: The committee; Hon. Robert W. Archbald; Hon. A. S. Worthington, M. J. Martin, Esq., and Samuel B. Price, Esq., counsel for Judge Archbald; Wrisley Brown, Esq., assistant to the Attorney General, and others.

FURTHER TESTIMONY OF GEORGE M. WATSON.

The CHAIRMAN. Mr. Watson, I understand that you desire to say something further?

Mr. WATSON. I wish to make a statement in relation to the meeting.

The CHAIRMAN. Yes.

Mr. WATSON. Last night in thinking over the meeting in the Lackawanna office, the question was asked me, and asked Mr. Phillips also, as I recall, if Judge Archbald's name was mentioned in that conference. I either said no or that I did not remember.

Now, Judge Archbald's name was mentioned in that conference, and my recollection is, by Mr. Loomis, who passed some comment on Judge Archbald and our being there at that meeting. He said it loud enough so that all ought to hear, because I was farther from him than Mr. Phillips, or even Mr. Truesdale, and he spoke out and said something: "We are here," or "How is Judge Archbald?" or something like that, which implied, as I took it, that we were there by some arrangement that Judge Archbald had made.

The CHAIRMAN. Who was it who said that?

Mr. WATSON. I think it was Mr. Loomis.

The CHAIRMAN. Mr. Loomis, you think, said it?

Mr. WATSON. I think so. I don't know why Mr. Truesdale would say it, unless he had been advised by some one else, because I had not written him, and I know it must have happened in that meeting, because Mr. Loomis did say something about Judge Archbald, and it was the only time I met Mr. Loomis—so it must have been in that meeting. I want that corrected, to correct my statement.

The CHAIRMAN. Well, your statement this morning will, of course, go into the printed record.

Mr. WATSON. Yes.

The CHAIRMAN. And when your testimony is under consideration this will be considered in connection with your previous statement.

Mr. WATSON. That is all I desired to say. It came to my mind last evening, or last night, and I wanted to correct it.

Mr. WORTHINGTON. I said last night that I would get a copy of the petition that was filed in the Commerce Court in the Meeker case and exhibit to the witness, and see if he could identify that as one of the papers that he got when he came down here. We got that paper, but I left it at my office and one of our party has gone down there to get it and I expect it will be here in a moment or two. In the meantime, I produce now the "My Dear Christy" letter, which I think one of the members of the committee said yesterday he would like to have here. I had it in my bag.

Mr. WEBB. Read it, Colonel, and put it in the record.

Mr. WORTHINGTON. Shall I read it?

Mr. WEBB. Yes.

Mr. WORTHINGTON. This is an exact copy. It is headed "(Copy)."

(The above-mentioned letter is marked "Exhibit 87.")

Mr. WORTHINGTON thereupon read aloud the above-mentioned letter, as follows:

Exhibit 87.

(Copy.)

SCRANTON, PA., November 13, 1911.

C. G. BOLAND, Esq.,
Scranton, Pa.

MY DEAR CHRISTY: I had an interview with our friend this afternoon, and I regret to say that I did not succeed in doing anything. I tried to get him to make a counter proposition to the one which had been submitted upon your side. But he seemed to feel that the amount which he would be willing to offer was so inconsiderable that it was hardly worth the while. I regret to report this as the final outcome of the efforts of settlement which have been made, but I see nothing to be attained any further here.

I return herewith the papers which you let me have.

Yours, very truly,

Mr. WEBB. Who is that supposed to be signed by? It is a copy.

Mr. WORTHINGTON. It is supposed to be signed by Judge Archbald.

The CHAIRMAN. Do not let us have suppositions. You are Judge Archbald's counsel. Is that a copy of the "Dear Christy" letter that Judge Archbald sent?

Mr. WORTHINGTON. I am informed that it is a copy of that letter sent to him. The committee will remember that I produced that letter and showed it to Boland and asked if it was not a copy of the letter he received, and he could not identify it; neither could W. P. Boland say that there ever was such a letter seen by him.

The CHAIRMAN. There is a great deal of latitude allowed by the committee in taking testimony in an investigation of this sort, but I hardly think it ought to cover suppositions.

Mr. WORTHINGTON. This letter is referred to on page 554 of serial No. 5.

The CHAIRMAN. Then you will want to interrogate Mr. Watson further when the paper comes from your office to which you have just referred?

Mr. WORTHINGTON. I should like to.

The CHAIRMAN. Well, you may do that. [The paper above referred to having been received, the following took place:]

Mr. WORTHINGTON. Mr. Chairman, I have shown Mr. Watson this paper, and I will ask him some questions about it.

The CHAIRMAN. Very well.

Mr. WORTHINGTON. I want to show you this paper entitled "Petition and exhibits" in No. 49, United States Commerce Court, and ask you what is your recollection as to whether that is one of the papers you got when you were down here on the 7th of October last?

Mr. WATSON. The last part of this book is the information that I had when I talked with the people in the Lackawanna office.

The CHAIRMAN. Please give Mr. Worthington, if you can, a categorical answer to his question, and then make your explanation.

Mr. WATSON. I got a book like this at the time I was here, but whether that was the information that I carried in there, or whether it was made from a typewritten statement that I had in my possession, I do not know. I do not know whether I took the book before the railroad men, but I got a book like this.

The CHAIRMAN. Like that?

Mr. WATSON. Yes; I read a book like that.

Mr. WORTHINGTON. I do not care to ask anything further.

The CHAIRMAN. Read the title of that book, please.

Mr. WATSON. It is "Petition and exhibits," No. 49, Lehigh Valley Railroad Co. against the United States, respondent.

The CHAIRMAN. Is that all that is on the title page?

Mr. WATSON. No; there is "United States Commerce Court."

The CHAIRMAN. Give it to me, and I will read it so that there will be no mistake about it. I will ask the reporter to take it down as I read it.

The chairman read the title page of the book referred to, and the same is as follows:

49.

UNITED STATES COMMERCE COURT.

Lehigh Valley Railroad Co., petitioner, against United States, respondent.

Term, —, 1911. No. —.

PETITION AND EXHIBITS.

E. H. BOLES,

Solicitor for Petitioner,

143 Liberty Street, New York, N. Y.

JOHN G. JOHNSON,

FRANK H. PLATT,

EVERETT WARREN,

Counsel.

Stillman Appellate Printing Co., 51 Broad Street, N. Y.

The CHAIRMAN. That is the title page of the pamphlet about which Mr. Worthington has interrogated you?

Mr. WATSON. Yes, sir.

Mr. NORRIS. Is that all?

Mr. WORTHINGTON. Yes.

Mr. NORRIS. I want to see the book. Will you hand it to me, please.

(The book referred to was handed to Mr. NORRIS.)

Mr. NORRIS. Mr. Watson, this pamphlet that you exhibit, of which the chairman has just read the title, is the other one of the three books that you were testifying about yesterday, is it?

Mr. WATSON. Yes; I think so; because the back part of this book contains the information that I had. This \$1.40—

Mr. NORRIS. Then you were mistaken yesterday in your testimony when you testified that the third book, as you called it, was another brief?

Mr. WATSON. Well, maybe I was, if I called it a brief.

Mr. NORRIS. Well, you did yesterday.

Mr. WATSON. Then it was a mistake, because I think it was that book.

Mr. NORRIS. That is it?

Mr. WATSON. I think it was a copy of that book.

Mr. NORRIS. You think it was either this or a copy of it?

Mr. WATSON. Oh, it was not that one. It could not be.

Mr. NORRIS. It was the same thing?

Mr. WATSON. Yes. The back part of that book contains just what I read in the book, where it reduced, or said the rate of more than \$1.40 on prepared sizes of coal was too much.

Mr. NORRIS. The back part of it—

Mr. WATSON. I identify the book by that.

Mr. NORRIS (continuing). Is the order?

Mr. WATSON. Oh, no.

Mr. NORRIS. It is just before the order?

Mr. WATSON. Before the order. I think it is about the last paragraph there.

Mr. NORRIS. The last paragraph of the page?

Mr. WATSON. Well, I can not tell you right—

Mr. NORRIS. That last paragraph is: "And it is further ordered that a copy of this order be served upon each of the parties to said case." Is that it?

Mr. WATSON. No; there is a place where it says \$1.40 for prepared sizes and another rate for pea and another rate for buckwheat coal.

Mr. NORRIS. That is what I read yesterday, is it not, out of the brief?

Mr. WATSON. Yes.

Mr. NORRIS. The same thing?

Mr. WATSON. But this is in a different—

Mr. NORRIS. I wish you would take this and point out to me just exactly what the part of it is that you refer to.

Mr. WATSON. That I read?

Mr. NORRIS. That you read.

Mr. WATSON. I identify this, not as a copy—I think it is a copy—but as a book that I had in my possession for the various reasons. First, because it names some engineers that I knew.

Mr. NORRIS. Yes.

Mr. WATSON. And some men that were connected with these roads that I knew of.

Mr. NORRIS. Yes.

Mr. WATSON. And they had made estimates as to the cost of shipping coal.

Mr. NORRIS. Yes.

Mr. WATSON. One made it at 76 cents. I never had heard of it. I read it in this book. That is next to the last paragraph, we will call it.

Mr. NORRIS. On what page?

Mr. WATSON. Pages 162 and 163.

Mr. NORRIS. All right. That identifies it.

Mr. WATSON. That was a very important matter to me; and I found I had it in typewritten form when I got home—the same thing.

Mr. NORRIS. This in one of the books, or a copy of one of the books, that you got at the time you went with Judge Archbald to the Commerce Court and were looking for the orders of the Interstate Commerce Commission in what was known as the Meeker case?

Mr. WATSON. Yes.

Mr. NORRIS. This is one of them?

Mr. WATSON. I think that is a copy of what I received there.

Mr. NORRIS. This, with the two briefs that you identified yesterday, constitutes all you did get?

Mr. WATSON. I do not know that. It may be that I got some other papers there, but I do not recall them.

Mr. NORRIS. You have no recollection of that?

Mr. WATSON. I do not; I do not recall anything.

Mr. NORRIS. At that time when you were with Judge Archbald you told him what you wanted, did you not?

Mr. WATSON. Well, perhaps I did; perhaps I told him.

Mr. NORRIS. What you really wanted was the record of the Interstate Commerce Commission in the—what is the case?

Mr. WATSON. The Meeker case.

Mr. NORRIS. In the Meeker case. Was not that it?

Mr. WATSON. Well, I wanted that—what I got there.

Mr. NORRIS. You did not know what you were going to get when you sent for these?

Mr. WATSON. I knew about what we wanted.

Mr. NORRIS. What did you ask for?

Mr. WATSON. That I can not tell you.

Mr. NORRIS. Did you not testify yesterday that what you wanted to get was the record of the case before the Interstate Commerce Commission?

Mr. WATSON. Yes, sir; it was; and I wanted to get the disposition that they had made of that case. I wanted to get it.

Mr. NORRIS. All right. You evidently told Judge Archbald that because you did not know just where you could get this record, did you?

Mr. WATSON. No, sir.

Mr. NORRIS. You were hunting for it?

Mr. WATSON. No, sir; I did not know.

Mr. NORRIS. You did not know?

Mr. WATSON. No, sir.

Mr. NORRIS. Then I presume you asked Judge Archbald where you could get it, did you not?

Mr. WATSON. It is more than likely that I did.

Mr. NORRIS. Did not Judge Archbald tell you that the place to get the record, the Interstate Commerce Commission in that case, was to go to the Interstate Commerce Commission and not to the Commerce Court? Did he not tell you that?

Mr. WATSON. I have an indistinct recollection that we did talk about some commission or some other office. This was Saturday afternoon.

Mr. NORRIS. At that time had you studied the law enough to know that there was such a thing as the Interstate Commerce Commission?

Mr. WATSON. Yes; I knew of it. I knew about the Sherman law.

Mr. NORRIS. When he told you that was the place to get their records, what did you say to him?

Mr. WATSON. I don't know.

Mr. NORRIS. That is all.

Mr. WATSON. I don't know what I said.

The CHAIRMAN. Mr. Worthington, the committee desires that those three pamphlets—

Mr. NORRIS. I have another question about this.

The CHAIRMAN. But let me finish this statement.

Mr. NORRIS. Certainly; but I want to finish the examination.

The CHAIRMAN. Referring to those three pamphlets that have been referred to, numbered 49, the three several pamphlets or documents that have been read in the testimony, the committee desires that those papers be left in the custody of the committee, but not to be incorporated into the record, as it would unnecessarily encumber the record. The committee desires to have them left with it, so that it may make such use as it desires of the pamphlets. You do not desire to have them printed in the record?

Mr. WORTHINGTON. Not at all.

Mr. NORRIS. How did you happen to have your memory refreshed since you have been on the witness stand in regard to this other exhibit that you have identified this morning?

Mr. WATSON. It was shown to me. They handed me the book and I read it.

Mr. NORRIS. Who showed it to you?

Mr. WATSON. Mr. Worthington.

Mr. NORRIS. When did he do that?

Mr. WATSON. Fifteen or twenty minutes ago.

Mr. NORRIS. You recognized it as being a copy of the other pamphlet?

Mr. WATSON. I recognized that last part of that book as being contained in a book that I had read, and I—

Mr. NORRIS. Did he call your attention particularly to that particular page?

Mr. WATSON. No; no.

Mr. NORRIS. You found that, did you?

Mr. WATSON. He told me it was a brief.

Mr. NORRIS. It is not a brief, though. I do not suppose he told you that.

Mr. WATSON. Not a brief, but a petition; and he opened it at that point where the petition occurs, right there [indicating].

Mr. NORRIS. That is not anywhere near the page you identified.

Mr. WATSON. No, sir.

Mr. NORRIS. You located that there yourself?

Mr. WATSON. I did. I just turned it over and looked at the back part of it, because I recall that is where it was that I read that.

Mr. NORRIS. That is all.

Mr. WORTHINGTON. I handed that to you right across the table here, did I not?

Mr. WATSON. Yes, sir; just here.

The CHAIRMAN. The Chair may say, right in this connection, that last night Mr. Worthington called the attention of the Chair to this matter, and said that he did not have that pamphlet with him, but would probably want to get it and interrogate Mr. Watson with reference to it. I told him it would be quite proper for him to do so; to show it to Mr. Watson when he brought it, and that then Mr. Watson could resume the stand and answer his questions with respect to it.

Now, Mr. Watson, you wrote a letter to Truesdale and Loomis saying that you would be ready to meet him on this coal-property deal at any time, on an hour's notice, did you not?

Mr. WATSON. Well, I don't know that I said an hour.

The CHAIRMAN. The letter was referred to here in the testimony, dated October 2?

Mr. WATSON. The letter was here yesterday; yes, sir. That is the letter.

The CHAIRMAN. Why did you write that letter telling them that you would be ready to see them at an hour's notice before you came down to Washington and got this information, which you say you came down here and got, informing you as to the procedure before the Interstate Commerce Commission and the procedure in the Commerce Court? In other words, Mr. Watson, to be perfectly frank about it, that letter would seem to indicate that you had all the information that you wanted in dealing with Truesdale and Loomis in respect to this matter; and your testimony now seems to be that you wanted to inform yourself fully as to the law governing the procedure in the Interstate Commerce matter and the procedure in the Commerce Court before you had the interview with them. It appears to me that there may be a possible discrepancy there in your testimony, and I desire you to explain it.

Mr. WATSON. The data I had to study this case on was prepared in typewritten form—that is, the information, the reductions that they wanted—and I think possibly some expression of the Commerce Commission was incorporated in this notice.

The CHAIRMAN. I do not think I have made myself clear.

Mr. WATSON. Yes; you did, because I wanted to get the data—

The CHAIRMAN. Very well; proceed.

Mr. WATSON. In this meeting, or at this session yesterday, the question was asked me by some one if Mr. Pryor did not prepare a paper. There was a paper prepared by some one that was given to me by Mr. Boland, Mr. W. P. Boland, together with the other papers, and that paper contained what we claimed, and all that we wanted, and the things they had done which we said were against the law; and that the Interstate Commerce Commission had expressed itself on it. At that time I am quite sure that W. P. Boland, or it may have been C. G. Boland, on the morning that I went down to Washington, called my attention to this case and asked me if I could not get those papers to be ready if we had a meeting. That is the reason, or one of the reasons, I came to Washington. We did not have all the data that is in this book. I have been thinking this matter over, and this meeting was discussed for some weeks, or a week or so after I had met Mr. Truesdale, about some way of getting another meeting or another hearing. I am now hazy on that. I do not recall just what we did in relation to these books, but there was something done there, and maybe that may be the second letter—the letter of the 2d. It may have been that the meeting was held before the 2d, but my recollection is now that it was not. Understand me. Mr. Boland and myself went over all of these papers after Mr. Loomis had gone away, and Mr. Truesdale; and there was to be an effort made to get Mr. Truesdale or Mr. Loomis to take the case up and go over it again with some data that we thought we had. That was the very day that they were there, or the day after; and Mr. Phillips was talking about it to some one—at least it was reported so. We went into some discussion about that. I do not recall what we did; but then, when that fell through, I left the case, and it was about a week, I judge, that we were working on it. Or it may be that I used those books in that last—

The CHAIRMAN. Did not Loomis tell you that he had turned down the proposition?

Mr. WATSON. I don't think there was anything said like "turning down." I think they said: "We can not consider it—we won't consider it in this shape."

The CHAIRMAN. He rejected it, then?

Mr. WATSON (continuing). "He is asking too much money," or some such thing.

The CHAIRMAN. I was using a vulgarism which is very common, "turned down," thinking you would understand that perhaps quite as well as more refined language. I will now adopt another phrase. Then, did he inform you that the proposition to buy that coal property was rejected?

Mr. WATSON. Well, it would not be that; I don't know that he said that.

The CHAIRMAN. Then did he say, either in the common vernacular of the streets that the proposition was "turned down," or in the refined language of the court room or ball room that it was rejected, or language of equivalent import to either one of these expressions that I have used? You can take your choice as to which one.

Mr. WATSON. Oh, he would not take the property; that is all. He did not take it. He said they would not.

The CHAIRMAN. He said they would not take the property?

Mr. WATSON. That is what he said.

The CHAIRMAN. You prefer that language, which is quite satisfactory to the chairman.

Mr. WATSON. I do not know his exact language; I could not tell you that; but I know that is what it amounted to.

The CHAIRMAN. Did you ever have any other conference with Mr. Truesdale?

Mr. WATSON. I did not. I tried to, but did not.

The CHAIRMAN. I must confess, Mr. Watson, that you have not made perfectly clear to me your answer to the question that I asked a while ago, and I beg to repeat it, perhaps in a little different form. On October 2 you wrote the letter which has been read into the testimony, and is now known as "Exhibit 86."

Mr. WATSON. Yes.

The CHAIRMAN. In this letter to Mr. Loomis to which I have just referred, in which you seek a conference with Loomis and Truesdale, you wind up with this sentence:

"If you will kindly advise me, either by wire or letter, I will hold myself in readiness to meet you on a few hours' notice."

You were ready, then, to meet them and go over the matter of the trade for this coal property on October 2? This letter imports that you were ready to meet them and to discuss that matter on an hour's notice.

Mr. WORTHINGTON. A few hours' notice.

Mr. WATSON. Yes; that is so.

The CHAIRMAN. On a few hours' notice?

Mr. WATSON. Yes.

The CHAIRMAN. Why was it necessary, then, for you afterwards to come to Washington to get this information that you got from the three pamphlets that you have referred to after your conference in Washington with Judge Archbald?

Mr. WATSON. I thought I had plenty of data at that time. I had the statement made up by Mr. Boland that he had given to me. This letter was written at the request of, perhaps, Christy Boland. I assume that it was. I believed that we could go before that committee and impress on them the necessity of taking our property, or the advisability, rather, of taking it. After going into the matter for a week—we were together for a week then, or nearly so; three or four days, anyhow, that I was talking with Mr. Boland, and I think Mr. W. P. Boland came to my office; perhaps I called him on the phone or something, but at any rate we got together—I was not quite so sure of my position. Now, I have been thinking whether we met after the officers refused to go on with the proposition. Whether we met then, and I asked for another meeting after that meeting, and after that came to Washington, I do not know. I do not know. I had the same information—

The CHAIRMAN. Do you not know that the Meeker case had been decided in June before the October in which you wrote this letter?

Mr. WATSON. I find that now, but I did not know it.

The CHAIRMAN. Did you not know it at that time?

Mr. WATSON. No, sir.

The CHAIRMAN. The Meeker case was before the Interstate Commerce Commission—

Mr. WATSON. I suppose I had some data given me, furnished me by the Bolands, that would indicate that, but I do not recall it.

The CHAIRMAN. Please tell us what this data was that you said you relied upon, or I infer that you meant to say that you relied upon, at the time you wrote this letter of October 2.

Mr. WATSON. It was a number of typewritten pages and tables showing the freight rates to given points.

The CHAIRMAN. By whom was it prepared?

Mr. WATSON. Mr. Boland gave it to me. I do not know who prepared it.

The CHAIRMAN. Which one of the Bolands?

Mr. WATSON. Mr. W. P. Boland here. It was in with all the papers that he gave me. The leases and all the other things were together.

The CHAIRMAN. Then you afterwards concluded, after having written this letter of October 2, that you wanted further information about the law governing the Commerce Commission and the Commerce Court, did you?

Mr. WATSON. It was about what they had done that I wanted to get information.

The CHAIRMAN. Did you not say something yesterday to the effect that you wanted to be informed as to the law?

Mr. WATSON. About the appealing?

The CHAIRMAN. Yes.

Mr. WATSON. And the court—yes; I knew nothing about it at all.

The CHAIRMAN. Did it occur to you after October 2, when you had written that letter, that you wanted further data, or that you wanted further legal information?

Mr. WATSON. Oh, it was the data that we wanted.

The CHAIRMAN. You did not want any further legal information?

Mr. WATSON. Well, we all want further legal information, but then I did not want—

The CHAIRMAN. I am not asking you now about generalities.

Mr. WATSON. But I do not know whether I was hunting for it in that particular case. I do not think I was.

The CHAIRMAN. I am asking you whether, in your own mind, you came down to Washington here for further legal information as to the Commerce Court? You said, I believe, yesterday, that you did not know the law about the Commerce Court and you knew very little about the Commerce Commission.

Mr. WATSON. Yes.

The CHAIRMAN. And did you not say in substance that you wanted to come down here and learn about the law and the procedure in those two tribunals? Did you not say that in effect?

Mr. WATSON. I do not recall saying it, but it was perhaps the fact that I did want to know something about it.

The CHAIRMAN. Was that your object—to get this information as to the law and the procedure in these tribunals, or was it to get data?

Mr. WATSON. It was to get data and information and the record—what I wanted to see.

The CHAIRMAN. The record?

Mr. WATSON. Yes, sir.

The CHAIRMAN. What record?

Mr. WATSON. The record of this commission—what they had done. I wanted to get their findings.

The CHAIRMAN. In what case?

Mr. WATSON. In this Meeker case, because that is a case right in our immediate neighborhood—the same freight rates, the same zone.

The CHAIRMAN. How long before that had you heard of the Meeker case?

Mr. WATSON. Possibly a week or so we had been talking about it, the Bolands and myself.

The CHAIRMAN. And you could not get the record in the Meeker case without making your trip to Washington?

Mr. WATSON. Well, I do not know that we thought of going to Washington—I do not know that I could; I might have gotten it by writing for it, but I did not know that.

The CHAIRMAN. You did not know that you could write down here?

Mr. WATSON. Oh, I knew that I could in a general way, but I did not know how to get it; that is it; and they did not know how to get it.

The CHAIRMAN. Did you not have a conference with Truesdale and Loomis before you came to Washington?

Mr. WATSON. That is just what I am trying to say now—that it may possibly have been that when I came to Washington for this data, it was for the purpose of going back again and asking for another meeting with Truesdale.

The CHAIRMAN. Another meeting with Truesdale?

Mr. WATSON. Yes. Now, after this came out yesterday, I did not know but what that might be so. I do not know.

The CHAIRMAN. It occurs to you now that possibly you had two conferences or meetings?

Mr. WATSON. I did not have a second conference; I know that. I never met them again.

The CHAIRMAN. Did you ever write any letter to either Loomis or Truesdale inviting them to a second conference?

Mr. WATSON. No; I did not. The only business I ever had was, perhaps, with Mr. Phillips, trying to get another meeting, and I did do that. I recall that.

The CHAIRMAN. You never made any effort to have the second meeting?

Mr. WATSON. Not directly to Mr. Truesdale. Mr. Phillips was the superintendent of the coal department—of the coal-producing end—and I went to him.

The CHAIRMAN. Phillips would have had no power to overrule Truesdale, would he?

Mr. WATSON. No; but he could ask him to have another hearing, and I think he does that very frequently.

Mr. WORTHINGTON. Mr. Chairman, since yesterday I have found what purports to be the telegram that the witness said he sent to Judge Archbald from Philadelphia when he was on his way down here. I should like to show it to him.

The CHAIRMAN. One minute, Mr. Worthington.

Mr. WORTHINGTON. I thought you were through, Mr. Chairman.

The CHAIRMAN. Did you use this information that you got about the Meeker case in your conversation with Phillips, or did you use it in your conversation or conference with Truesdale and Loomis?

Mr. WATSON. That I do not know. I do not remember about using that book or those books. I do not think I ever had them before Loomis.

The CHAIRMAN. You may have used that information in your conference or conversation with Phillips and not with Truesdale and Loomis?

Mr. WATSON. No; I think I called Mr. Phillips's attention to this freight rate. Mr. Truesdale denied the rate.

The CHAIRMAN. I think you said, in substance, yesterday, that you used that information which you got in Washington from those pamphlets and otherwise in your hour and a half conference with Truesdale and Loomis.

Mr. WATSON. I think I did. I said that yesterday, but I am not sure about it.

The CHAIRMAN. Now, Mr. Worthington, you may show the witness the telegram you have referred to.

Mr. NORRIS. Mr. Chairman, before he does that I should like to ask the witness a few questions.

The CHAIRMAN. Certainly.

Mr. NORRIS. You were sure of it yesterday, were you not, Mr. Watson?

Mr. WATSON. I don't know how sure; maybe.

Mr. NORRIS. You testified as though you were sure of it.

Mr. WATSON. I did.

Mr. NORRIS. When did you change your mind?

Mr. WATSON. Through the night I have been thinking this matter over, and I am now uncertain as to the meetings we had.

Mr. NORRIS. Do you not remember that yesterday I called your attention to those briefs and asked you what particular part of them you used in that conference, and you pointed out the particular paragraph that you used, and that was the basis of your argument before Truesdale?

Mr. WATSON. The contents of that paragraph was. I never said I had those books before Truesdale.

Mr. NORRIS. No; you did not say you took the books there; but you based your argument on the information that you got out of that pamphlet.

Mr. WATSON. That is my thought now. That is what I think now.

Mr. NORRIS. You believe that now, do you?

Mr. WATSON. Yes; but I may be mistaken about it.

Mr. NORRIS. You may be mistaken?

Mr. WATSON. And it may have been in the papers that Mr. Boland gave me.

Mr. NORRIS. Yes; and it may be, then, that you had never seen those pamphlets when you had that conference?

Mr. WATSON. If, as has been suggested by some one, I went there before I came to Washington, I had never seen them.

Mr. NORRIS. Is it not true that since you testified yesterday you have learned from other sources that the probabilities are that you came to Washington after that conference rather than before it?

Mr. WATSON. I have not talked to a soul about this.

Mr. NORRIS. I have not asked you that.

Mr. WATSON. It is all my own idea.

Mr. NORRIS. I have not asked you if you have talked to anybody.

Mr. WATSON. You said "did I learn."

Mr. NORRIS. Yes.

Mr. WATSON. I did not learn it by reading, and I have not learned it by talking. It has come out of my mind, that is all.

Mr. NORRIS. Then you have not learned it; you have just thought about it yourself?

Mr. WATSON. A doubt may arise.

Mr. NORRIS. Do you want us to believe now that you came to Washington and got those three pamphlets for the purpose of arming yourself and equipping yourself for the contest that you were to have with those railroad officials in Scranton? Do you want us to believe that or not?

Mr. WATSON. I did; certainly. I came here to get information, and that was the information I took back.

Mr. NORRIS. It is your impression now that that is the way it occurred, is it, and your belief?

Mr. WATSON. Yes; I think so.

Mr. NORRIS. If it does turn out, however, that you had that conference prior to your visit to Washington, then what explanation do you want to make to the committee for your trip to Washington?

Mr. WATSON. Then I want to make this explanation: That we were trying to get a rehearing.

Mr. NORRIS. Before the same officials?

Mr. WATSON. To meet them again; and for that purpose I possibly came here.

Mr. NORRIS. You came down, then, to get the record in the Interstate Commerce Commission of the Meeker case?

Mr. WATSON. Yes.

Mr. NORRIS. And then went home without it? You did not get it, did you?

Mr. WATSON. Well, I think I had it. I am not sure. I think I did have it.

Mr. NORRIS. Did you have anything besides those three pamphlets?

Mr. WATSON. I think so.

Mr. NORRIS. Let us have that information, then. Yesterday you only had those three pamphlets.

Mr. WATSON. Well, I don't know.

Mr. NORRIS. Did you have four pamphlets?

Mr. WATSON. No; I don't know. I don't think so. Whatever I had Mr. Boland has now, except these two books.

Mr. NORRIS. Your experience had been very limited in practicing before the Commerce Court and before the Interstate Commerce Commission?

Mr. WATSON. I never had been in it.

Mr. NORRIS. You had never been in either one of them?

Mr. WATSON. No.

Mr. NORRIS. And that is the reason why you took this course to get information that, if you had been better posted, you could have obtained otherwise?

Mr. WATSON. If I had had time; yes; I could.

Mr. NORRIS. In this rate case that you were coming down here to Washington to get information about there was another attorney representing Mr. Boland by the name of Reynolds, was there not?

Mr. WATSON. Yes, sir.

Mr. NORRIS. Does he live in Scranton?

Mr. WATSON. Yes, sir.

Mr. NORRIS. Mr. Reynolds is rather an expert on the rate business, is he not?

Mr. WATSON. I do not know about that. I know he has those kind of cases some. I have heard that since then.

Mr. NORRIS. He practices before the Interstate Commerce Commission and before the Commerce Court, does he not?

Mr. WATSON. I think he does.

Mr. NORRIS. And he was in that case with you?

Mr. WATSON. No. I was not to say anything to Mr. Reynolds.

Mr. NORRIS. What is your answer?

Mr. WATSON. I was not to talk to Mr. Reynolds about this case.

Mr. NORRIS. You knew he was in the same case?

Mr. WATSON. I knew that Mr. Reynolds had tried one branch of that case, but the settlement of the case with the Lackawanna Railroad was another matter.

Mr. NORRIS. I understand that; but in order to make that settlement advantageous to your clients you wanted to get information from the Interstate Commerce Commission?

Mr. WATSON. Yes.
 Mr. NORRIS. Why did you not go to Reynolds, who was right there in Scranton, and was an expert in that line, and get that information?
 Mr. WATSON. Because I had been told by Mr. Boland that Mr. Reynolds did not want anything to do with the settlement; that he would not settle the case; and therefore he asked me to go into the settlement.

Mr. NORRIS. Why would not Reynolds settle the case?
 Mr. WATSON. That I do not know.
 Mr. NORRIS. You could have gotten information, probably, from Mr. Reynolds, in regard to the Meeker case, without intimating that you were in this case with him, had you wanted to, could you not?

Mr. WATSON. Well, I might, but I did not think that would be exactly fair, to go to a man's office—
 Mr. NORRIS. Would it not have been fair to have gone to any attorney's office who practiced in that court, and ask him, instead of wiring down to Judge Archbald and then coming clear to Washington? It would not have been unfair to go to a man that was right there in town and ask him how to get a record from the Interstate Commerce Commission, would it?

Mr. WATSON. Well, I see that I could have done that.
 Mr. NORRIS. You could have done that?
 Mr. WATSON. Yes. It did not occur to me. In my conversation with these people it did not occur to me. I think they desired me to come here and get it. My recollection is that we expected that meeting on Monday; that is what I remember now; and if not, we knew that Mr. Loomis came there on Monday, and I expected to meet Mr. Loomis again, in any event.

Mr. NORRIS. So your coming down here would fit either one of those circumstances?
 Mr. WATSON. The matter of fact was that we knew the meeting would be on Monday next, or Tuesday; we knew that. He always comes on Monday or Tuesday. Everyone knew that.

Mr. WORTHINGTON. You say "He always comes Monday or Tuesday." Whom do you mean?
 Mr. WATSON. Mr. Loomis. He comes up early in the week when he does come up.

Mr. NORRIS. All right.
 Mr. FLOYD. I want to ask you a question now. If I understood you on yesterday, Mr. Watson, in speaking of your first interview in the office of Judge Archbald, you said that you were so well acquainted with him that if you had wanted to ask him any opinion about legal matters you would not have hesitated to do so?

Mr. WATSON. I do; I say that now.
 Mr. FLOYD. Is it not a fact that after these railroad attorneys had turned you down and refused your settlement you made that trip to Washington to see Judge Archbald to get his advice or assistance in getting another interview with the railroad people?

Mr. WATSON. No; I did not.
 Mr. FLOYD. You say that is not a fact?
 Mr. WATSON. I did not. I did not speak to him about that branch of it, I am sure.

Mr. FLOYD. If you would not have hesitated or thought there was anything wrong in asking his advice, why did you not do so?

Mr. WATSON. Well, I don't know. When I said I did not mind asking his advice, that was about the preliminaries of a case. But if this had gotten to a place where the question would indicate that it had, I do not think it would have been proper for me to talk to him about it, and I did not think then it would be, if I thought about it at all; but I don't think I thought about it.

Mr. FLOYD. That is all.
 Mr. NORRIS. If you had your conference with Truesdale and the other railroad officials before coming to Washington, then what was the reason that you sent the telegram to Judge Archbald?

Mr. WATSON. I think that was suggested by C. G. Boland. I am not sure. He was in the office, and we had to get somebody that we could be sure of on Saturday, and he either suggested the name of Archbald or I did, and we prepared the telegram.

Mr. NORRIS. All right. Now, if you had had your conference before coming here, then what was the hurry of getting this record from Washington? You had made no arrangements to use the information and had fixed no date for another meeting?

Mr. WATSON. The only answer I can make to that would be that Mr. Loomis came there on Mondays, and if, as you say, the meeting had been held, I wanted to see him as early as I could on Monday.

Mr. NORRIS. Yes; but Archbald did not come there with Loomis always?

Mr. WATSON. No; Archbald was not there at all.
 Mr. NORRIS. I do not mean Archbald; I mean Truesdale.

Mr. WATSON. No; Truesdale did not have to come. I wanted to see Loomis.

Mr. NORRIS. You did not care to see the president?

Mr. WATSON. Well, I did want to see him; yes.

Mr. NORRIS. But you were after Loomis?

Mr. WATSON. But Mr. Loomis was the coal man.

Mr. NORRIS. Yes. You were expecting, however, to make arrangements for a future meeting? You talked that over after the failure of this other meeting for several days, did you not?

Mr. WATSON. I think so.

Mr. NORRIS. And that would imply that you were going to fix a date for a meeting. When you came to Washington you had not fixed that date, had you?

Mr. WATSON. I think possibly I had talked with Mr.——

Mr. NORRIS. Mr. Boland?

Mr. WATSON. No; Mr. Phillips—about when Mr. Loomis would come again. But, now, that is not my recollection.

Mr. NORRIS. I understand that; but you have been saying that that might be true.

Mr. WATSON. I know it was true afterwards. I know we did try to get Mr. Loomis afterwards, after that meeting. Now, then, that is all that I can say.

Mr. NORRIS. But you gave as a reason for hurrying in your trip, and coming down here on Saturday rather than spending a postage stamp and getting this record without the expenditure of money, that you were crowded for time, and that you had to have that information by the next Monday, when that meeting came on. Now, if it turns out——

Mr. WATSON. That is my recollection now, that that is what we talked about.

Mr. NORRIS. I understand; but you say possibly that was not true. If it is not true, if it develops that that meeting had already been held when you came to Washington, then I want you to explain to the committee what was the necessity of the great hurry and the wiring to Archbald and making a trip on Saturday, when you could just as well

have taken your time to it and gotten it by mail; or if you had had to come down for it, you could have taken your time and come on Monday, when the court would be in session, if it was from the court that you had to get your information?

Mr. WATSON. I think I came here at the request of Mr. C. G. Boland.

Mr. NORRIS. You know about that, do you not?

Mr. WATSON. No. I think he asked me to go that particular day.

Mr. NORRIS. That particular day?

Mr. WATSON. Yes.

Mr. NORRIS. What was the cause of the hurry?

Mr. WATSON. Something that had arisen in the case that we were talking about there in the office. Just the detail of it I can not give you.

Mr. NORRIS. In looking back over it now, you know you could have talked to Reynolds and could have gotten the information that you came to Washington for and did not get, do you not?

Mr. WATSON. It could have been gotten, perhaps. I do not know that he would give it to us. I think he was not pleased with the settlement—with the effort to settle.

Mr. NORRIS. That is all.

Mr. WEBB. Did Judge Archbald tell you that he was trying to help settle this case?

Mr. WATSON. I do not think he did. I do not think he ever told me that he was trying to help settle it.

Mr. WEBB. Do you know that he did or did not, Mr. Watson?

Mr. WATSON. Well, I don't know. I did know that he was friendly with the Bolands.

Mr. WEBB. Yes; but that does not answer the question.

Mr. WATSON. But I do not think he told me——

Mr. WEBB. Here you were associated with the judge right much with reference to this matter. Can you tell us whether he was trying to help you settle it or not?

Mr. WATSON. Well, if he was, I never saw anything beyond perhaps asking for the appointment; asking Mr. Loomis to see me.

Mr. WEBB. "Perhaps?"

Mr. WATSON. Well, that is all.

Mr. WEBB. Did you hear this letter read here a while ago, beginning "My dear Christy"?

Mr. WATSON. I do not know anything about that letter, and I never saw it until now; until I heard it read here.

Mr. WEBB. Since you have heard it read, what interest do you think the judge had in it?

Mr. WATSON. That would be expressing an opinion on it. I do not know what was in his mind; but the way that letter reads, it would read as if he had been interested and that he was regretting that he had failed.

Mr. WEBB. That is just the impression it makes on my mind, too.

Mr. WATSON. Let me see the letter, please.

Mr. WEBB. Yes; of course. [Handing letter to Mr. Watson.]

Mr. WATSON. (after examining letter). From that letter standing alone I would say that he was trying to get a settlement—it would seem to me so—and that he regretted that he could not.

Mr. WEBB. And that was written in November, was it not?

Mr. WATSON. That is what it says.

Mr. WORTHINGTON. November 13.

Mr. WEBB. November 13. If he was interested in the settlement of this case, with all your association with him, you never found it out?

Mr. WATSON. He never had talked with me about this case.

Mr. WEBB. I say if he was interested in the settlement of it, as indicated in that letter, you never found it out?

Mr. WATSON. I won't say that, because I think that Judge Archbald wrote or talked to Loomis, and that may be the basis of our meeting.

Now, that would show, maybe, an interest for the Bolands; I don't know. It would be, maybe, for me, in order to get to Mr. Loomis, and that would indicate that he had something. But so far as our talking about the case, I didn't see much of him, and so I am sure I didn't talk with him.

Mr. WEBB. You are sure you did not talk with the judge?

Mr. WATSON. Yes. I didn't see him much. He was away from Scranton.

Mr. WEBB. You and the judge had had some conversation and understanding about the settlement of this case, because you talked about it in his office, and he had introduced you to Loomis, or, rather, said he was going to write Loomis for you. Now, when you came down here to Washington and got here about noon—by the way, did you take lunch with him?

Mr. WATSON. No; I think I had my lunch on the train. I am not sure.

Mr. WEBB. Did you take dinner with him?

Mr. WATSON. No. I went back too early.

Mr. WEBB. You met him down here in front of the Raleigh Hotel and went in the Raleigh and then walked from there up to the Southern Building, where the Commerce Court sits, and stayed with him six hours; and do you mean to say that you never did tell him your mission in getting these records, what you were going to do next Monday or Tuesday when you met Truesdale and Loomis?

Mr. WATSON. I won't say that I didn't talk to him. I may have said something of that kind. I presume I did.

Mr. WEBB. What did you say?

Mr. WATSON. I told him what I was down there for—that I was down to get information in relation to this case.

Mr. WEBB. What did you say to him? Is that all you said?

Mr. WATSON. Well, I can not tell you.

Mr. WEBB. Did he advise you as to how to proceed with Truesdale and the rest of them.

Mr. WATSON. I don't think he did.

Mr. WEBB. Do you think he did or did not?

Mr. WATSON. I don't think he did. I don't think there was any advice to be given, except the information that I wanted in relation to the matter here.

Mr. WEBB. You had to come down here to get that information, when you could have sent Boland, your client, across the street to his other lawyer and gotten it from Mr. Reynolds; and you knew that you could.

Mr. WATSON. There were two Bolands.

Mr. WEBB. There were two Bolands; but you represented both of them, did you not?

Mr. WATSON. Yes; I represented the Marian Coal Co.

Mr. WEBB. If you had wanted this information contained in this pamphlet or record, you could have sent just across the street to Mr. Reynolds by one of your clients and got all you wanted, because you know Mr. Reynolds is more or less of an expert and keeps up with the Interstate Commerce Commission decisions as well as the Commerce Court decisions, do you not?

Mr. WATSON. I did not know Mr. Reynolds was an expert, and so—
Mr. WEBB. You knew, though, that he could have given you all the information you wanted about this particular case, did you not?

Mr. WATSON. I did not know it; no. I do know now that Mr. Reynolds had considerable to do with this case; but at that time I did not know very much about it. In fact, they had two lawyers. Mr. Donnelly was the lawyer that I knew about, and he was in the cul-de-sac case, and I talked with Mr. Donnelly several times, but I do not recall ever speaking to Reynolds. Up to the present moment I never spoke to Reynolds about this case.

Mr. WEBB. I imagine this is the largest fee you ever worked for; is it not?

Mr. WATSON. What—\$5,000?

Mr. WEBB. Yes.

Mr. WATSON. Well, I think not. I think not.

Mr. WEBB. You have had larger fees than that?

Mr. WATSON. I have had cases that I have gotten more money out of; you can call them fees.

Mr. WEBB. Have you had many cases of that sort?

Mr. WATSON. I say I have had them that I have gotten more money out of. I recall trying one case four or five times, and got more money out of it.

Mr. WEBB. More than \$5,000?

Mr. WATSON. Yes.

Mr. WEBB. Have you had any other case that involved a fee of \$5,000?

Mr. WATSON. Well, I have had matters in which I was interested in a way, in the passing of properties, where I have gotten more.

Mr. WEBB. More than \$5,000 fees?

Mr. WATSON. Yes; I did that in cases where I was not known at all, the Delaware and Hudson cases. I was not known in those, and I got more than \$5,000 on the transfer of property. Oh, I have managed to keep the wolf from the door; and while I do not presume to be brilliant, or an expert on any point, I have tried to do what my hands have found to do, and to do it honestly.

Mr. WEBB. I want to ask you if you told Mr. Boland, when he employed you, that you could "produce the goods" in this transaction?

Mr. WATSON. No, no. I never—I don't know. I never talked that.

Mr. WEBB. You never thought that?

Mr. WATSON. I never talked it—"produce the goods." I never boasted of what I could do. I know I did not.

Mr. WEBB. Did you think you could "produce the goods"?

Mr. WATSON. I thought I could settle this case.

Mr. WEBB. I ask you if you did not tell him that you could "produce the goods" because you had influence with the Lackawanna people and could bring about an adjustment?

Mr. WATSON. Did I say that?

Mr. WEBB. Yes.

Mr. WATSON. No, no. I never said that. My influence with the Lackawanna people died with the old crowd that went out. I never claimed to have any with these people, except Mr. Phillips or some of those.

Mr. WEBB. You evidently thought you could effect a settlement, because you agreed to take \$5,000 and try it.

Mr. WATSON. I did agree to try it for \$5,000. I will do it tomorrow, the same thing. I would if I were well. I would not do it now in my condition, but if I were well I would do it tomorrow.

Mr. WEBB. I say you did think you could do it—in the common language, "produce the goods"?

Mr. WATSON. I did think I could do it; yes; or I would not have gone working around for a month or two if I had not thought so.

Mr. NORRIS. Which one of the Bolands paid you \$50?

Mr. WATSON. Christy Boland, I think, handed me the money.

Mr. NORRIS. When did he pay it to you?

Mr. WATSON. It was the day that I went to Stroudsburg; that is, the day before I came here.

Mr. NORRIS. The day before you came to Washington?

Mr. WATSON. Yes; the day the telegram was sent. The telegram had been sent out long before.

Mr. NORRIS. The same day the telegram was sent?

Mr. WATSON. Yes.

Mr. NORRIS. Did he give you a check?

Mr. WATSON. I don't think it was. My recollection is it was money.

Mr. NORRIS. I would like to know, if you know. Was it a check, or was it a draft, or was it money?

Mr. WATSON. My recollection of the matter is that it was money—in currency.

Mr. NORRIS. Currency?

Mr. WATSON. Yes.

Mr. NORRIS. Do you remember the bills?

Mr. WATSON. I do not. I don't remember that.

Mr. NORRIS. You know it was \$50?

Mr. WATSON. Yes.

Mr. NORRIS. Who was present when he gave it to you besides you and Mr. Boland?

Mr. WATSON. Well, I don't remember, unless W. P. Boland was there.

Mr. NORRIS. Was he there?

Mr. WATSON. I could not say.

Mr. NORRIS. Did you give him a receipt for the money?

Mr. WATSON. I don't think so.

Mr. NORRIS. Do you know whether you did or not?

Mr. WATSON. I do not; but I gave it to him if he asked me, and I do not know whether he asked me or not. I don't know that. I know he handed me that money, and we had sent the telegram some hours before, and I am sure it was money, because I would perhaps remember if it had been a check and I had gone out to get the money on it.

Mr. WEBB. That is all, Mr. Worthington.

Mr. WORTHINGTON. Now, will you look at this telegram, Mr. Watson, and tell me whether that is the telegram you sent Judge Archbald when you were on your way to Washington?

Mr. WATSON (after examining telegram). Well, it seems as if it would fit. I presume it is.

Mr. FLOYD. Will you read it, please?

Mr. WORTHINGTON. Let me read it; Mr. Watson's voice apparently is not in good condition. It is on a Postal Telegraph blank and reads:

PHILADELPHIA, Pa., October 7, 1911.

Hon. R. W. ARCHBALD,
Court of Commerce, Washington, D. C.:

Will be at Hotel Raleigh at 1.30. Leave instructions.

G. M. WATSON.

10.25 a. m.

The foregoing telegram was marked "Exhibit 89."

Mr. WORTHINGTON. There is another thing I want to bring out. I do not know whether it has been noticed by the committee or not, but I think, in justice to the committee as well as to the witness, attention ought to be called to it while he is here. One of these pamphlets that he brought here, and which he says he recollects is one of those that he got here on the 7th of October, is stamped "Filed October 9, 1911." The other is not stamped at all. It does not bear any stamp.

Mr. FLOYD. Stamped by whom, how, Mr. Worthington?

Mr. WORTHINGTON. It is a printed stamp. I presume—I do not know—it is the stamp of the court. They have a way of stamping papers there when they are filed. I did not myself notice that yesterday, or I would have called attention to it then.

Mr. WEBB. Let me see that, please. I do not know whether I catch the point or not. Are you prepared to say you did not get this document on the 6th?

Mr. WATSON. No; I know it was not the 6th. I am quite sure it was the 7th when they handed them to me in the building there.

Mr. WORTHINGTON. The point I made about that is that he said he got it here on the 7th, and according to the file mark it was not filed in the court until the 9th.

Mr. WEBB. I see; that is right. In other words, as I judge it, Mr. Watson, you could not have gotten this document here on the 7th, because it was not filed until the 9th of October.

Mr. WATSON. I certainly got that book handed to me in the Commerce Court on the day that I was down here. I know it was on the 7th. It could not have been any other time.

Mr. WEBB. I do not know a thing about it except what counsel hands me here. The one he hands me here is an identical copy of the one you say you got, and it seems to have been filed October 9; and, of course, if it was not filed until October 9 you could not have gotten it on October 7.

Mr. WATSON. Well, I have seen several of those books, but—

Mr. WEBB. This is the one you say you got.

Mr. NORRIS. That is the identical one.

Mr. WATSON. I am sure it is the one I brought down here. The one I brought here is the one I got.

Mr. WEBB. Look at it, Mr. Watson, and see the bottom there, where it is stamped, I presume by the clerk or some one, "Filed October 9." Do you see it, down at the bottom?

Mr. WATSON. Yes; I see that. Now, my recollection now is just as I have stated it—that the young man handed me the books, and that is one of them as near as I know.

Mr. NORRIS. It has been in your possession ever since?

Mr. WATSON. Well, I would not say that. I suppose it has; yes, in a way. I have not been in the possession of the book; that is the trouble. It has been around my office, and I have not been there, so I don't know what happened to it. I assume it is the book, the same book.

Mr. NORRIS. That is the book you took home to your office?

Mr. WATSON. I am quite sure it is.

Mr. NORRIS. And you brought it here with you from your office?

Mr. WATSON. I am quite sure of it; yes. I don't know; I have no identification of the book, but I had a book just like that and brought it in here, and I suppose this is it.

Mr. WEBB. This is the one you presented here yesterday, because I marked it; I can tell it is.

Mr. WATSON. Yes.

Mr. WEBB. Just one more question: When you wired the judge on your way down here, through the Postal Telegraph Co., asking him to meet you at 1.30 at the Raleigh—

Mr. WORTHINGTON. He does not ask him to meet him, Mr. Chairman; he says, "Leave instructions."

Mr. WEBB. Let me see that telegram, please. [After examining telegram.] "Will be at Hotel Raleigh at 1.30; leave instructions." What did you mean by "leave instructions"?

Mr. WATSON. Where I could find him; I think I said—

Mr. WEBB. But he did meet you at the Raleigh?

Mr. WATSON. He met me, so he did not need to leave the instructions.

Mr. WEBB. He did not need to leave the instructions, then?

Mr. WATSON. No; he met me; but if he had been engaged he could have sent a boy there to have told me where I could have found him. I did not know.

Mr. WEBB. The instructions you were after, then, were as to where you could find him?

Mr. WATSON. Yes.

Mr. WEBB. You were determined to see the judge?

Mr. WATSON. Yes.

Mr. WEBB. All right.

Mr. WORTHINGTON. You made a remark a while ago that I should like to ask you about to see what you meant by it. You said that whatever papers you had you had turned over to Mr. Boland, or something of that kind.

Mr. WATSON. Yes.

Mr. WORTHINGTON. Did you say that?

Mr. WATSON. Yes; the papers that we used.

Mr. WORTHINGTON. Your remark: "Whatever I had, Boland has."

Mr. WATSON. Yes.

Mr. WORTHINGTON. What did you mean by that?

Mr. WATSON. It is the papers that we went before these people with, the data that he furnished. He furnished to me a paper—

Mr. WORTHINGTON. I do not want to go over those details again; but did you turn over to him all the papers that you had and that you had used?

Mr. WATSON. All that I got from him.

Mr. WORTHINGTON. According to your recollection?

Mr. WATSON. Yes; I did.

Mr. WORTHINGTON. Is it possible you might have turned over the pamphlets that you got down here, and that these pamphlets that you have produced have come into your office since?

Mr. WATSON. Well, I don't know; I don't know. It is possible that I did; but I don't know.

Mr. WORTHINGTON. That is all I wish to ask, Mr. Chairman.

Mr. WEBB. You may stand aside, Mr. Watson.

The witness was thereupon excused until Friday, May 31, 1911.

TESTIMONY OF WILLIAM P. BOLAND—RECALLED.

W. P. BOLAND, having heretofore been duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) Mr. Boland, have you the subpoena that was served on you at the instance of the respondent in this case?—A. I think I have a copy.

Mr. WORTHINGTON. We had a subpoena duces tecum served upon this witness, Mr. President. I have him here simply for the purpose of having him produce the papers he was asked to produce, or state that it is impossible for him to do so.

The PRESIDING OFFICER. Ask him if he has the papers.

Q. (By Mr. WORTHINGTON.) Have you a copy of the subpoena served on you?—A. I am sure I have it. Whether I have it here—

Q. I have the original here with the return of the Sergeant at Arms. Will you look at that and tell me whether that is the paper a copy of which was left with you?

The PRESIDING OFFICER. The Chair would suggest that it would be sufficient for counsel to call for the papers, and then, if he does not get what he seeks, he can show that the subpoena has not been complied with.

The WITNESS. I have the tonnage books with me, but I do not have them here, because I asked the gentleman if I was going to be called this afternoon. I wanted to know from the Sergeant at Arms if my name was to be called this afternoon, and they did not seem to know, and consequently I left the books at the hotel.

Q. (By Mr. WORTHINGTON.) Let me ask you about these things in the order in which they are mentioned in the subpoena. First, the tonnage books of the Marian Coal Co. You say you have them at your hotel?—A. I have them at my hotel, and I have a memorandum of the weights or tonnages right here with me.

Q. I do not care for that without the books themselves. The next is, "The records of said company showing all shipments of coal by that company since the beginning of their operations."—A. I have that.

Q. At your hotel?—A. Yes, sir.

Q. The next is: "And all maps, pamphlets, data, statistical tables, and other papers pertaining to the Marian Coal Co. which were submitted to George M. Watson in connection with the attempted settlement of the litigation with the Delaware, Lackawanna & Western Railroad Co., or the sale by the said company to the said railroad company of its property, and which were returned by him."—A. That I have not got, because I never gave him any papers or ever received any papers from him.

Mr. WORTHINGTON. That is all. The books can be brought here Monday, and we can examine them and see if we care to make use of them.

Mr. Manager WEBB. Provided they are competent.

The WITNESS. I will have them here Monday. I can have them here in 10 minutes.

Mr. WORTHINGTON. We will have the books here Monday, then.

Mr. Manager CLAYTON. The witness has suggested that he can have the books here in 10 minutes. Then he can be recalled this afternoon. I merely suggest that, in order that we may expedite the trial of this case.

The PRESIDING OFFICER. What is the pleasure of counsel in that regard?

Mr. WORTHINGTON. Of course we do not care to examine the books to-night. We can not keep the Senate waiting while we examine those books. We can examine them just as well Monday morning, before the Senate meets, if the witness will have them in the office of the Sergeant at Arms at 10 o'clock Monday morning.

The WITNESS. Very well. I will do that.

Mr. Manager CLAYTON. I suggest to the honorable counsel for the respondent that he proceed to examine another witness. Mr. Boland will go for the books immediately, and be back in 10 minutes. Counsel does not certainly wish to tell the Senate that he desires a prior opportunity to examine those books. He has never manifested that desire heretofore.

The PRESIDING OFFICER. If the manager insists upon it, the witness will produce the books as promptly as possible, and in the meantime counsel can call another witness.

Mr. WORTHINGTON. Very well. We will call Mr. C. G. Boland.

TESTIMONY OF CHRISTOPHER G. BOLAND—RECALLED.

Christopher G. Boland, having heretofore been duly sworn, was examined and testified as follows:

Q. (By Mr. WORTHINGTON.) A subpoena has been served upon you at the instance of the respondent, requiring you to produce certain papers here?—A. Yes, sir.

Q. I will read a description of the papers as it appears in the subpoena and then ask you whether you have the papers. Did you bring a "letter from R. W. Archbald to C. G. Boland, dated November 13, 1911, and papers mentioned therein and

returned herewith"? It should be "therewith"; the subpoena reads "herewith." It should be "returned therewith." You understood that was what was meant, Mr. Boland?—A. I did not pay much attention to what was said in that regard. I have the subpoena.

Q. You are aware of the fact that it appears here that Judge Archbald wrote you a letter on the 13th of November, stating that he had seen Mr. Loomis and that his efforts were without avail and saying at the end of it that he returned certain papers. You remember that?—A. I was questioned in regard to it heretofore.

Q. And you stated that you did not have the papers?—A. That I did not have the papers.

Q. Can you give the Senate any information as to what became of them after they were returned to you?—A. I inquired after my last appearance on the witness stand in reference to them, and the best information I could obtain was from Mr. Pryor, who also appeared as a witness here, that he had been asked to prepare some data or statistics for Mr. George M. Watson in reference to the Marian Coal Co. property.

Q. I do not care to have a statement by the witness as to what has been told him, but I want to know whether you have found any of the papers which were returned to you in that letter of Judge Archbald to you of November 13, 1911?—A. No, sir.

Q. You can not tell what has become of them?—A. No, sir; I can not, except that Mr. Pryor told me he believed he saw the papers in the office of the Marian Coal Co. I questioned W. P. Boland as to his knowledge of the papers and the letter of Judge Archbald, which is referred to here, and he had no recollection of them, so that I was unable to locate the papers.

Mr. WORTHINGTON. Very well; that is all.

Mr. Manager FLOYD. No questions.

The PRESIDING OFFICER. The witness may retire. He may be discharged finally unless there is some desire on the part of counsel or the managers to retain him.

Mr. Manager FLOYD. We may need this witness in rebuttal.

The PRESIDING OFFICER. He will remain in attendance, then.

Mr. WORTHINGTON. Mr. President, that is all, with the exception of the respondent himself and Mrs. Archbald, and certain documents and exhibits that have been referred to, something in the way of documentary evidence, which it will take a few minutes to refer to. We would prefer not to examine Mrs. Archbald at this hour of the day, and would like it very much if the Senate would now adjourn until Monday morning.

The PRESIDING OFFICER. What is the pleasure of the managers in that regard?

Mr. Manager CLAYTON. Mr. President, I am informed that the Senate has some other business which it desires to transact this afternoon. I had hoped that we could get through with the examination of the witness—Boland—so that the respondent could conclude on Monday the examination of all of his witnesses, including the testimony of himself, but Mr. Boland has not returned, and in view of the suggestion that the Senate has other business that it desires to transact at this time, I acquiesce in the suggestion that we let the further trial of this case go over until Monday.

Mr. GALLINGER. I move that the Senate sitting as a court considering the articles of impeachment adjourn.

The motion was agreed to.

Thereupon the managers on the part of the House, the respondent, and his counsel retired.

MEXICAN NORTHWESTERN RAILWAY CO.

Mr. SMOOT. I introduce a joint resolution, and ask unanimous consent for its immediate consideration.

The joint resolution (S. J. Res. 147) appropriating the sum of \$7,245 out of money appropriated by Senate joint resolution No. 129, for the payment of transportation of American refugees from points in Mexico to the American border, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That out of the money appropriated by Senate joint resolution No. 129 (public resolution No. 49), providing for transportation for American citizens fleeing from threatened danger in the Republic of Mexico, there shall be paid by the Secretary of War to the Mexican Northwestern Railway Co. the sum of \$7,245, in full settlement of the statement rendered to A. W. Ivins and E. E. Bowman, dated August 22, 1912, for the transportation of American refugees from points in Mexico to the American border.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE WILLIAM W. WEDEMAYER.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. WILLIAM W. WEDEMAYER, late a Representative from the State of Michigan, and transmitted resolutions of the House thereon.

Mr. TOWNSEND. I ask the Chair to lay before the Senate the resolutions received from the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions of the House, which will be read.

The resolutions were read as follows:

IN THE HOUSE OF REPRESENTATIVES, January 3, 1913.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM W. WEDEMAYER, a Representative from the State of Michigan.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. TOWNSEND. Mr. President, at the proper time I shall ask that a day be set apart for the purpose of commemorating in a proper manner the character and life of the late Mr. WEDEMAYER. I ask at this time for the adoption of the resolutions I send to the desk.

The PRESIDENT pro tempore. The Senator from Michigan submits resolutions for which he asks present consideration.

The resolutions (S. Res. 419) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM W. WEDEMAYER, late a Representative from the State of Michigan.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. TOWNSEND. Mr. President, I move, as a further mark of esteem and respect, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 6, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 4, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more in the dispensation of Thy providence, Almighty Father, our hearts are bowed in sorrow.

Swift to its close ebbs out life's little day;
Earth's joys grow dim, its glories pass away;
Change and decay in all around I see;
O Thou who changest not abide with me.

So may our faith be fixed in Thee; so may our hopes lead on to the brighter day. Let the everlasting arms be about the members of the stricken family to uphold and sustain them in the awful shock, assuage in Thine own way their grief and comfort their sorrows; help us to work while it is day, for the night cometh when no man can work. Thus may we fulfill our destiny and pass on unperturbed into the somewhere prepared for Thy children. So we pray, so we hope, so we aspire through the faith once delivered to the saints. In the name of Him who is the resurrection and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CARY, for 10 days, on account of death in his family.

CHANGE OF REFERENCE—REMOUNT DEPOT, FRONT ROYAL, VA.

The SPEAKER. If there be no objection, the Committee on Appropriations will be discharged from the further consideration of House document 1204, Sixty-second Congress, third session, being a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimate of appropriation for the construction of the necessary officers' quarters and other buildings required at the remount depot, Front Royal, Va., and the same will be referred to the Committee on Military Affairs.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, H. R. 26874.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, with Mr. SAUNDERS in the chair.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that the reading of the bill for amendment be resumed.

The Clerk read as follows:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by United States local land officers to determine the rights of Indians to public lands, \$2,000: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

Mr. FOSTER. Mr. Chairman, in line 18, page 6, in the paragraph which has just been read, I notice that the words "question of" have been omitted before the word "title." These words were in last year's bill, which read:

Suits instituted in behalf of or against Indians involving the question of title to lands allotted to them.

I should like to ask the gentleman from Texas why those words were omitted from this bill.

Mr. STEPHENS of Texas. We left them out because we thought the words were immaterial and that the word "question" was only descriptive.

Mr. FOSTER. By leaving out the word "question" is it possible for the department to go ahead and look up the title to any of these lands that it may see fit, whether the question of title is raised or not?

Mr. STEPHENS of Texas. I think not. I will say to the gentleman from Illinois that the justification for this item arises from the fact that Indians are allowed to file upon the public domain, and the committee think that when questions of title arise at the local land offices they ought to have some one to represent them. That is the object of this appropriation.

Mr. FOSTER. It seems to me this word ought to be inserted in this bill.

Mr. STEPHENS of Texas. I am perfectly willing that the gentleman shall offer that amendment.

Mr. FOSTER. I move to insert, after the word "the," in line 18, page 6, the words "question of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 18, after the word "the," insert the words "question of."

The amendment was agreed to.

The Clerk read as follows:

For expenses of the Board of Indian Commissioners, \$4,000, including not to exceed \$300 for office rent.

Mr. SIMS. Mr. Chairman, I move to strike out the last word, simply for the purpose of submitting a request for unanimous consent. I ask unanimous consent to extend some remarks in the RECORD, for the purpose of printing certain newspaper articles and editorials with reference to tolls through the Panama Canal.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The matter referred to is as follows:

[From the New York World, Dec. 23, 1912.]

MAKE THE QUESTION CLEAR.

Prof. Emory R. Johnson, the special commissioner named by President Taft to investigate the approximate tonnage which will pass through the Panama Canal, asserts that even if we levy instead of remitting the regular toll of \$1.20 a net ton on our coastwise shipping, this shipping passing through the canal in 1915 will amount to 1,000,000 tons. The remission of these tolls constitutes a concealed annual subsidy of \$1,200,000 in the first years of the canal's operation.

We have had in the tariff more than enough of indirect taxation of one class for the direct enrichment of another class.

Let the Government levy this \$1,200,000 from our coastwise monopoly. After it has that \$1,200,000 safely in its Treasury, let it then honestly and openly put the question whether the country wants a direct subsidy of \$1,200,000, or of any other amount, paid by the Government to that monopoly. Then we shall have a clean-cut, unbogged issue for the people to decide.

If the people do not want a subsidy, it should not be paid under an alias against their will. If the people do want a subsidy, it can be paid without repudiating our international treaties and sully our national honor.

[From the Century Magazine, Nov., 1912.]

A WAY OUT OF THE CANAL BLUNDER.

Anyone who knows how little consideration is given to the preparation of political platforms can readily understand how both the Democratic and the Progressive Parties were "committed" to the blunder of advocating the exemption of our coastwise shipping from the tolls to be charged for the use of the Panama Canal. It is this sort of inside arrangement of party policies—which usually, in the last hours of fatigue, restlessness, and excitement, there is never time to discuss on their merits—that has cast discredit on platforms and has justified many a candidate in disregarding or modifying a given "plank." The overwhelming judgment of our people, as reflected in the press, that nothing is so important to us as a strict observance of our plighted faith—just as nothing is so important to a merchant as his credit and reputation for honorable dealing—shows how easy it is for half a dozen men in a hotel parlor, at the suggestion of some "good fellow," to lead a convention to the indorsement of a disastrous policy.

To claim that we have not broken our pledge that there shall be no discrimination in the tolls and conditions when we thus favor our own coastwise trade, as against that of Canada, Mexico, and Colombia—each with an Atlantic and a Pacific coast—simply does not rise to the dignity of a quibble. Already, by misrepresentation of the sense of fair dealing which pervades American commercial life, incalculable injury has been done to our standing abroad—an injury which can not be measured in money. After all our honorable diplomacy—the return of the Boxer indemnity, the open-door policy in the Far East, and the strict observance of our promise to withdraw from Cuba, which foreign sneerers at America said we never would observe, "and never meant to observe"—it is shameful to have to drop to a lower plane of national conduct.

As if our cup of humiliation were not already full, it is argued that we are at liberty to refuse to submit the question of the breach of the Panama treaty to The Hague Tribunal if Great Britain should make the appeal. "Nicht zwei dumme Streiche für eins" (Not two stupid strokes for one), says Lessing's character in "Minna von Barnhelm." Unless we desire to become the welcher of the nations, it is time that the good faith of the people should find an adequate expression in the good faith of the Government. All the money saved (to whom?) in tolls in a hundred years by the exemption could not compensate for the loss in money—not to reckon honor—which will result from the loss of credit and of great commercial opportunities all over the world. A strange way, indeed, to promote American commerce.

But there remains for us another chance—or will, if Great Britain shall a little longer pursue her friendly and forbearing course of waiting for our public opinion to assert itself. The coastwise exemption should be repealed. And, our obligations aside, why should we enter upon a policy of subsidizing our ships just at the time when apparently we are giving up the policy of subsidizing our manufactures? Are we never to get away from the inequality of privilege that has already corrupted the sources of government by the "vicious circle," creating and feeding by legislation agencies whose natural interest it thus becomes to destroy the principle of equality? Why subsidize ships any more than subsidize railways or newspapers or authorship? But if we must subsidize our ships, let it be done outright, in bills for that purpose, and not through the violation of the plain words of a solemn treaty.

Not only should the exemption be repealed, but, if we are to recover the ground that has been lost, it should be done in the first week of the December session of Congress. We feel sure that President Taft, whose misgivings tinted his message of assent, now that the canal bill has provided for a modus operandi would not interpose his veto to the sober second thought of Congress. If the repeal is not accomplished, and if we refuse the appeal to The Hague, the great cause of arbitration—the substitute for war—will be set back for unreckonable years. And it is the championship of arbitration, together with his far-sighted and consistent defense and extension of the merit system, which will give the President his highest claim to the respect of posterity. The object of the latter is to keep politicians from gambling with the resources of office; the object of the former is to prevent Governments from gambling with the lives of men.

Should the repeal not be promptly made, it will become the duty of the people to organize to bring it about. We much mistake the temper of the country if within another six months its servants do not remove this blot on the national escutcheon.

[Editorial in The Independent.]

THE PANAMA DISGRACE.

The President in signing the Panama bill calls it "one of the most beneficial that has been passed by this or any other Congress." That may be true, for it provides for the opening of an international highway needed for the last 400 years. But it is certainly true that the bill is one of the most discreditable and dangerous that has been passed by this or any other Congress, for it covers legislation that could never have been passed upon its merits, throws a heavy financial burden upon the American people, involves us in complications with European and American powers to an unpredictable extent, violates our treaty with England, puts us before the world as resorting to trickery to gain a commercial advantage, and destroys confidence in the arbitration movement in which the United States has had a leading part. Let us briefly enumerate some of the illegitimate features which this bill conceals:

First, it grants to coastwise shipping a perpetual subsidy of an incalculable amount, millions of dollars a year at any rate. Now, if this money had been appropriated from a surplus in the United States Treasury, it would not be so bad, but it is not. It is money that we have borrowed for the purpose of building the canal and on which we must continue to pay interest indefinitely. That is to say, this new law puts the American people in the position of borrowing money at a cost of some \$10,000,000 a year to themselves for the purpose of enabling the owners of coastwise ships to make a profit out of what might otherwise be a losing business. Worse than that. We have already given these men protection at our expense by the law prohibiting foreign vessels from stopping at two American ports. It has often been argued that we should subsidize the American lines that compete with foreign lines, but no one has ventured to put forth so preposterous a claim as that the coastwise ships should have a subsidy added to their monopoly as is done by this act. If any gratuitous favors of this kind are to be granted it would be less absurd to reverse it and grant free tolls to American lines coming into competition with foreign lines

instead of to those protected from such competition, and this would be no more of a violation of the treaty than the present act.

Second, The Panama bill admits free of duty foreign-built ships and shipbuilding material when used in the foreign trade. Already we hear complaints that this has caused the loss of millions and will mean ruin to American shipbuilders. That may not be true, or if true it may be worth the sacrifice. We are not arguing that point now. But we do say that such a sudden and unpremeditated change in our protective system should not be forced through on a rider to a worthy bill having quite another object.

Third, A like objection applies to the radical and extraneous legislation of the bill, such as that empowering the Interstate Commerce Commission to determine whether or not the ownership by any railroad of a steamship line is prejudicial to public interest and to compel if necessary the divesting of the steamship holdings. Such a measure, whether wise or unwise, affecting as it does the ferryboats of New York and San Francisco Harbors, the passenger steamers of Long Island and Puget Sounds, and the shipping of the Great Lakes, has no business in a bill stated by its title to be concerned only with "the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone."

Fourth, This discrimination in tolls in favor of our own ships is just what we protested against as unfair and put a stop to when it was a question of canals on the territory of Canada and New Granada.

Fifth, Our treaty with Great Britain expressly prohibits such discrimination, as is shown by the fact that when the treaty was under consideration the Senate voted specifically against an amendment permitting such discrimination.

Sixth, President Taft's recommendation to Congress that the question of the interpretation of the treaty be referred for decision not to The Hague Court, but to our own Supreme Court.

[From the New York World.]

A SURREPTITIOUS SUBSIDY.

The proposal to subsidize American shipping, though often and eloquently urged, has never met with the approval of the people, and Senators have no right to introduce it in disguise. What is still worse, they have introduced it in such a way as plainly to violate our treaty with England. The Senators who advocated it admitted that if the matter were brought before The Hague Court it would inevitably be decided against us, and we should then have to pay back the tolls collected from foreign vessels in the meantime, say 10 years or so; that is, whether the action taken by the Senate be right or wrong, it is what all the other nations of the world would call wrong. But Senator CUMMINS says that we will never consent to submit the question to such a tribunal; that there is but one tribunal to settle such a question—the arbitration of war. In saying this Senator CUMMINS is advocating the violation not only of the Hay-Pauncefote treaty, but, what is worse, of all our arbitration treaties.

[Editorial from the Louisville Courier Journal, Dec. 16, 1912.]

THE LONG AND THE SHORT OF IT.

The exemption of the coastwise trade of the United States from tolls through the Panama Canal was, to begin with, flagrant and dishonest, a violation of the treaty obligations of the Nation, and, to end with, a gigantic and perpetual subsidy to a Shipping Trust quite as objectionable as the Sugar Trust or the Steel Trust.

The act of Congress was passed in the teeth of a presidential campaign. The Shipping Trust could afford to contribute a million of money to each party for its support. Mr. Taft, a candidate for President, signed the bill. Who, if not Perkins, of the Harvester Trust, in community of interest, worked the Roosevelt end of it we know not; but the Democratic end of it was worked by Lewis Nixon, once chief of Tammany Hall and now head of the Crescent Shipyard, of Elizabeth, N. J.

Such Members of Congress as gave any reflection to the votes they cast in its favor looked to a certain anti-English feeling, which, in the last equation, would carry with it the German vote and the Irish vote, not stopping to inquire where the spoliation of the Nation's honor and the people's money might lead—relying upon indirection and subterfuge to see them through—corruption and cowardice thus playing hide and seek with the public integrity and their duty.

Upon this simple statement, which can not be denied, the case admits of no debate. Behind Mr. Nixon the Steel Trust, with all its ramifications, stands paramount. Plate armor is his right bower, long-range guns his left, with every jingo in the land to whoop 'em up with "Who's afraid of John Bull?" Where falsification will not suffice, evasion is the word, and legal eminence, in and out of Congress, is employed to quibble and hoodwink when a straight vote for ship subsidy—which this legislation is, no more and no less—would never be dared.

War with England is unthinkable. But wars, nevertheless, are often provoked on less provocation. Both the Shipping Trust and the Steel Trust would welcome war with England or any other country, for the money mad know no relenting, have as scant humanity as conscience, and are sublimely patriotic when they can increase their riches at the common cost.

The first thing which Congress should do upon reassembling is to rescind the odious subsidy clause from the Panama act. Many voted for it without reflection. But no Senator nor Representative can refuse to vote for its repeal without subjecting himself justly to the accusation that he is in favor of subsidy if not to the suspicion that the consolidated trust organized by Mr. Nixon exerts in his case an influence that needs to be explained.

There are many ways of killing a dog besides shooting him, and whilst Mr. STANLEY is doing heroic work upon the Steel Trust in public, what shall be the verdict of history when it is shown that Mr. Nixon, with Mr. Morgan and Mr. Perkins behind him, was making game of the Government and playing monkey with the people in the seclusion of the back parlors and the dark closets of the National Capital?

[Editorial from the Southern Lumberman, Dec. 21, 1912.]

WILL HURT PINE AND CYPRESS.

Prof. Emory R. Johnson's able paper in this issue on "Panama Canal and Southern Lumber Trade" should be carefully studied by southern lumber manufacturers, particularly yellow pine and cypress manufacturers.

Prof. Johnson was opposed, as we were, to the exemption from tolls of American ships in the coastwise trade, but he does not think that the increased competition of west-coast woods will seriously hurt southern lumber. He thinks that on account of their superiority southern soft woods will be able to substantially hold their own in the markets east of the Mississippi against the west-coast product. We seriously doubt this, both with respect to yellow pine and cypress.

Both these woods are superior to any of the west-coast woods in strength and durability, but it is doubtful if superiority on any other score can be maintained. Strength and durability cut a material figure only in heavy and outside construction work. Both yellow pine and cypress now have to "go up against" the competition of west-coast woods in hundreds of uses where strength and durability are not of first consideration. These qualities cut little figure in house construction and finish, whereas in softness and ease of working fir and redwood from the Pacific coast are quite their equal.

Prof. Johnson speaks of the lobby maintained at Washington by the manufacturers of west-coast woods in behalf of this toll exemption of American ships. He controverts the arguments made by these men at Washington, that without this exemption they would be at calamitous disadvantage in competition with British Columbia manufacturers, who can ship in foreign ships cheaper both to build and man, whereas only American vessels are permitted to ply from port to port on the American coast. Prof. Johnson thinks that whatever this advantage might be, it is more than offset by the American tariff on lumber, which will still average something like \$1.50 per thousand on such west-coast lumber as will come through the canal to our eastern seaboard.

This lumber tariff may be taken off in the Democratic revision now under way, but whether it is or not, it is clearly not so much the British Columbia producers of lumber that the Washington, Oregon, and California manufacturers had in mind when they made their arguments at Washington in behalf of toll exemptions as it was the competition of yellow pine and cypress.

We think Prof. Johnson greatly underestimates the seriousness of the outcome to the yellow pine and cypress men. If fir, spruce, and redwood and the several other soft woods from Washington, Oregon, and California can be brought around to our Atlantic ports on a freight charge of from \$5 to \$8 per thousand it is going to mean a competition that, assuming all other conditions to remain about as they are now and have been for several years, will enormously decrease the consumption of both yellow pine and cypress.

There are many things, of course, which can not be foreseen. The completion of the canal and the era of prosperity already under way may result in such an increase in the general business of the country as will carry lumber consumption far beyond anything we have ever seen or hoped for, thereby invalidating any prophecies that might now be made. No one can tell about this. It may come, and it may not. If it does not come, it is a sure thing, in our judgment, that yellow pine and cypress manufacturers two or three years hence are going to find themselves far worse hurt than Prof. Johnson believes.

Prof. Johnson speaks of the yellow-pine manufacturers being able to hold their market in the territory east of the Mississippi River. This field probably takes little more than half of the total yellow-pine production. The figures are available to show with fair accuracy just how much of yellow pine in recent years has found a market west of the river and how much of it in the eastern field. We have not stopped to look the figures up. It will occur to anyone, however, that it is in this west-of-the-river field that yellow pine is best qualified on basis of merit to meet its west-coast competitors. It is in this field that a far greater proportion of lumber is used for outside construction, where strength and durability are required, whereas in the eastern field the consumption is much more largely for factory use, where the softness, ease with which it can be worked, and the wide, clear stock of the west-coast woods will be of most advantage to them.

Prof. Johnson admits that west-coast woods will come into our eastern seaboard cities and be back-shipped westward to some extent. Whatever amount so reaches our Atlantic coast through the canal in addition to what is now reaching those markets by rail will cut off just so much pine and cypress consumption, assuming the total consumption of lumber to remain as now, and leave just that much more of the southern product to find a market west of the Mississippi River, where the meeting line between it and rail-shipped west-coast woods is already defined and vigorously contested.

It has seemed to us that yellow pine and cypress manufacturers have been singularly indifferent to the whole matter of the probable effect on their business of operation of the canal. Had they fully realized what is likely to occur they would have been lined up almost to a man in opposition to exempting American vessels from canal tolls. The very fact that west-coast competitors were so stoutly in favor of this shows what they think will be the effect.

The best hope now of the southern softwood manufacturers is that when public sentiment on this toll-exemption proposition has had time to crystallize into recognition that it is but a ship subsidy in disguise and a taxing of the whole people for the benefit of some of the people there will be a demand for repeal of this clause of the canal bill that Congress will heed.

[Statement of Benjamin Ide Wheeler, president University of California.]

The device of remitting tolls on our coastwise commerce seems to me a peculiarly unfortunate method of subsidization. Why should a subsidy be provided solely for those ships which happen to use the canal?

[Statement of David Starr Jordan, president Leland Stanford University.]

I can see no reason why any American ships should be relieved from the necessity of paying their share in this matter.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to print in the RECORD an address by Gov. Eugene N. Foss, of Massachusetts, at the conference of governors in Richmond, Va., on December 5, 1912.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts to print certain matter in the RECORD?

There was no objection.

The address referred to is as follows:

[Address by Gov. Eugene N. Foss, of Massachusetts, at the conference of governors, Richmond, Va., Dec. 5, 1912.]
THE DEVELOPMENT OF INLAND WATERWAYS.

INTRODUCTION.

I have asked to have the subject of our inland waterways brought officially before this conference because I am satisfied that to a proper settlement of the transportation problems of this country the concerted action of the States is absolutely necessary.

CONGRESS HAS FAILED.

We need not review the repeated failures of successive national administrations to provide constructive plans for the improvement of our transportation system as a unit.

INDEPENDENT STATE ACTION HAS FAILED.

If, on the other hand, we review the improvements which have been made by the individual States acting independently, we shall not find any substantial progress toward an effective general system.

The history of American waterways shows that State authority has failed and that the opportunities of effective Federal administration have been neglected.

The result has been that the waterways of the United States have never been developed as a system upon any national scale, but have been improved principally through the efforts of Congressmen to get a share of the rivers and harbors appropriations for their respective districts, and the efforts of those districts and of the States, independently of Federal aid, to help themselves.

But I do not believe that the situation is hopeless. The groundwork for cooperation is already laid. Only concerted action upon a comprehensive plan is now wanting.

CONCERTED STATE ACTION IS NECESSARY.

I am firmly convinced that the development of our inland waterways can be accomplished through the concerted action of the States affected; brought about not only by their own enterprise and the expenditure of State funds, but to an even greater degree through their united power in forcing from Congress an intelligent and broad-minded study of the whole situation.

As soon as the American people realize that it is directly counter to their own good to leave this important subject as the chief political prerogative of Representatives in Congress, they will bring about an end of this method of handling the question; and it is in every way proper that such concerted action should be taken, for the country geographically is a unit with respect to its waterways.

UNITY OF THE UNITED STATES WATERWAY SYSTEM.

The United States is cut in two by the Mississippi River, which thus forms a trunk line, as you may say, of water communication from north to south.

Along the northern border we have the Great Lakes, making a most effective commercial frontier which unites us with Canada commercially while it divides us only in a territorial sense.

This chain of lakes (giving us a substantially east-and-west communication) forms, in conjunction with the Mississippi River, a remarkable waterway which has potentially no equal on earth, with a southern outlet for practically the whole of the middle section of our country and for eastern Canada as well.

This tremendous natural water system extends uninterruptedly to the Panama Canal, and the completion of that canal will give us a seaboard in one unbroken line from the cities of Puget Sound to Eastport, Me.

These, broadly speaking, are the great waterway projects which form the framework of our water-transportation system and to which the concerted attention of the several States should be given.

COOPERATION OF VARIOUS PUBLIC BODIES.

The governors of the various States have a splendid opportunity to impress upon their people the importance of realizing this commercial unity, and a concerted public sentiment must be aroused which will make it impossible for any private or special interest to secure from the Federal Government any appropriation out of harmony with the best general development of our commercial waterways, and which will compel the Congress to provide for a uniform and businesslike development of these natural resources.

I urge upon the conference of governors the imperative need of arousing and cooperating with this public sentiment as the only means of placing before the Congress a program of waterway development which will have public sentiment behind it and from which every vestige of special or selfish interest shall be eliminated.

In this work of coordinating public sentiment, and compelling the attention of Congress, the governors of the several States will find splendid cooperation in several public bodies which are already organized and hard at work on this line of progress.

The great River and Harbor Congress now in session in Washington is probably the most notable of these bodies.

Then there is the Atlantic Deeper Waterways Association and the Lakes-to-the-Gulf Waterway Association, and the various public bodies which are concerned with the conservation of our natural resources.

All of these groups of citizens and officials are in a position to do splendid work along the lines here indicated, and they are doing it with a will.

INTRASTATE ACTION ALSO NEEDED.

Nevertheless, even with the most effective action which Congress can take, the responsibility will still rest in some degree upon the individual States, and they must plan and construct such local canals and subsidiary water channels as the general waterway development of the country may demand.

The task of the governors is to coordinate the action of the several States between themselves and to effect the still higher coordination of this uniform work with the work of Congress.

MASSACHUSETTS AS AN EXAMPLE.

I am proud to say that Massachusetts has to a great degree recognized the failure of the Federal Government to meet this crisis and has jumped into the breach with an appropriation of \$9,000,000 for the development of the port of Boston.

The Commonwealth is doing this as a matter of self-preservation, and the act is a wonderful expression of the public spirit and enterprise of the people of Massachusetts.

Massachusetts not only realizes that she must do her part (without waiting for Congress) in maintaining and improving her commercial standing, but she is especially resolved that the opening of the Panama Canal shall find her ready to do business with the rest of the world.

We have not only appropriated \$9,000,000 for the development of the port of Boston, but we are hard at work upon the problems presented by the present undeveloped condition of our principal rivers.

Our State commissioners are cooperating with the commissioners of Connecticut in a project for the commercial development of the Connecticut River.

This river, which is of splendid potential importance, can be dredged at least as far north as Springfield, and perhaps Holyoke, for ships suited to navigation in the Sound and along the Atlantic coast.

It can be furthermore dredged for smaller vessels and reinforced by canals to furnish an effective outlet for the western half of New England, opening up the interior of that section in a wonderful degree to water traffic.

Railroad advocates are accustomed to jeer at the development of this river as a visionary project, forgetting that Europe has utilized much smaller streams and has channeled them for from 50 to 100 miles inland and built upon their banks some of the greatest seaports of the world at distances as far from the seaboard as northern Massachusetts is from Long Island Sound.

(I shall take up more in detail later on the discussion of these great inland seaports of Europe.)

Furthermore, we are bent upon the commercial development of our other principal rivers, such as the Taunton and the Merrimac.

The Taunton River penetrates one of the most important industrial sections of our State, and we propose to make it effective as a means of cheaper transportation.

We are at work on the development of the Merrimac River, planning its commercial development at least to Lowell, and hoping that New Hampshire will cooperate with us to make it a commercial waterway as far north as Nashua, and perhaps Concord.

THE CAPE COD CANAL.

We are also recognizing now as never before the importance of digging canals to supplement the natural waterways of the State.

Under private auspices a canal is now being dug across the neck of Cape Cod, and this splendid private enterprise has enabled the State to concentrate its own resources upon our harbor and river development.

The project for a Cape Cod canal was first taken up in the earliest days of the colony and abandoned.

New York, however, had built the Erie Canal, and we now know that it was that canal, small and imperfect as it was, which made New York the Empire State.

We are realizing that if our ancestors had dug the Cape Cod Canal when the Erie Canal was built, Massachusetts might never have lost her commercial supremacy.

Cape Cod has undoubtedly been a serious physical barrier to the maritime development of Massachusetts.

At least 2,000 vessels have been wrecked in the Nantucket Shoals alone, and hundreds of sailors have perished in these dangerous regions.

In spite of this difficulty, there is at the present time an annual movement of 25,000,000 tons of traffic around Cape Cod and 500,000 passengers.

The Cape Cod Canal is estimated to represent an expenditure of \$6,000,000.

But if only half of this total traffic passes through the canal, a substantial return will be made on the investment.

This is to be a sea-level canal, with only 8 miles of excavation, the entire length of waterway being 13 miles and the depth at low water 25 feet.

It brings New York and Boston 66 miles nearer than they were before, by water.

Surely a project of this kind, with its wonderful possibilities of shortening distance and cheapening and safeguarding maritime traffic, ought not to have been left to twentieth century enterprise.

It ought to have been consummated a hundred years ago.

Another lesson that we are learning in Massachusetts is very significant in connection with our pending waterway enterprises.

We are realizing now that if we had concentrated at an earlier date upon the development of our waterways, we should not have lost to the West and to Canada many of our so-called heavy industries—industries in which the cost of the transportation of raw materials is a serious factor.

One by one these great industries are moving westward and northward, where transportation, particularly by water, is cheap and ample.

We are determined that in the future the industries of New England shall have their raw materials on practically as favorable a basis as any other section; and we thus hope to overcome the handicap which 100 years of shortsighted and narrow-minded policy has fastened upon us.

TRANSPORTATION CRISIS IN UNITED STATES.

I think I am speaking conservatively when I say that we are standing at the critical point of American history in regard to our transportation.

The key to the situation undoubtedly lies in the development of our waterways.

Let us see why.

For 50 years the financial and business interests of the country have concentrated the greater part of their energies on the construction and extension of our railroad service.

The United States has therefore become wonderfully well equipped with trunk railroad lines and local railroad facilities.

We have gone to an extreme in this direction, and have practically surrendered our own transportation interests into the hands of the railroads.

The country has gone railroad mad.

One hundred years ago this country was digging canals in earnest; 4,000 miles of them were constructed; then came the era of the railroad, and the canals and waterways were allowed to go to ruin.

Also, during our whole history we have spent but five hundred millions on our rivers and harbors as against possibly eighteen thousand millions on our railroads.

Meanwhile France, for example, has equalized her expenditures, putting seven hundred and fifty millions into harbors and waterways and seven hundred millions into railroads.

This policy, taken in connection with our peculiar tariff system, has resulted in stunting our foreign commerce and in impeding the development of our coastwise shipping.

It has resulted in subordinating one of the most vital considerations of American life to the private needs of the railroads.

OUR ONE-SIDED POLICY HAS RESULTED IN EXCESSIVE FREIGHT RATES.

Consequently, freight rates have reached a point many times as high as they would be if an effective water competition existed, and the cost of freight is one of the principal factors entering into the cost of living.

We are at this moment wrestling with the problems of railroad regulation.

We are in debate as between the advantages of private and public railroad ownership.

The problems are vexatious and deep seated.

We are only just now learning how to handle them.

And it is remarkable that throughout all this discussion and public agitation, more attention is not centered on waterway development as the one most effective means of meeting the railroad situation and compelling a fair railroad rate.

WATER-BORNE COMMERCE THE NATURAL COMPETITOR OF RAILROADS.

Water traffic is the cheapest known means of transportation.

It is so cheap that it forms the most effective natural competition for the railroads.

It is remarkable that the railroad systems of America have been so successful in choking off water competition, in buying up our water terminals and leaving them unused, and in preventing proper recognition by Congress of our waterways as the natural avenues of commerce.

I am told that the average charge per ton-mile for freight on the American railroads is $\frac{7}{8}$ mills.

Contrast this figure with the average per ton-mile for freight on the Great Lakes, which is eight-tenths of a mill, or less than one-ninth the average charge for the same service by the railroads.

But the most significant comparison has yet to be given.

It is this: During the season when the Great Lakes and their tributary channels are freely open to navigation the railroads which compete with the Great Lakes transportation service reduce their rates to $\frac{1}{8}$ mills per ton-mile on the average, or approximately one-quarter of their usual charge.

And yet, instead of maintaining this natural competition between waterways and railroads as the most effective possible stimulus to industry, we have abandoned most of our earlier waterways projects—not only abandoned them, but permitted their confiscation by the railroads.

And where the water traffic itself is not dominated by the railroad we have permitted the railroads to utilize the old canal banks for their own right of way—a remarkably effective means of choking off any attempted restoration of the canal project itself.

EUROPEAN EXAMPLE.

European countries have uniformly developed their waterways as a means of assuring commercial prosperity and rapid growth, and they have done it with a truly prophetic instinct, in anticipation of the necessity.

A generation ago Belgium, with an area less than Massachusetts and Connecticut, had over 1,000 miles of internal waterways.

On this system of canals she has spent over \$80,000,000.

In Belgium and in Holland the ocean is brought to every city, and as a result these little countries have become world powers in commerce and manufactures.

A ton of raw material comes to them 1,000 miles for \$1.

The British Isles have 4,000 miles of canals and an equal length of improved waterways.

Germany has over 10,000 miles of internal waterways, much of which represents engineering work, and her policy makes a highway of every stream that has water enough to fill a canal.

She makes immense appropriations for the extension of these waterways.

Austria and Hungary have spent fully 200,000,000 on rivers and canals.

Even China has such a wonderful system of shallow canals that almost every town can ship to the ocean by water.

WATERWAY DEVELOPMENT PREVENTS RAILROAD MONOPOLY, BUT ENLARGES THE SCOPE OF RAILROAD SERVICE.

Again, a remarkable illustration of the fact that the railroads and waterways, while natural competitors, are of mutual benefit is found in the experience of Europe.

When the River Elbe was adapted to canal service the river traffic increased fivefold, and yet the railroads which had to compete with the river were not ruined, but paid greater dividends than ever before.

The River Main has been channeled, and while there is a railroad on each side of it and the river traffic has grown more than tenfold in 10 years, yet the railroad trade has not suffered a decline, but has been increased.

The Northern Railway of France competes with numerous canals.

Surely here we would expect to find injury done, if anywhere, to the railroads, but, on the contrary, this railway is said to have been the most prosperous of any in France.

It has prospered when other railroad systems have been in trouble.

London is well served by railroads—more intimately related to the rest of the country by railroad service than most of the cities of America.

Nevertheless, London has not hesitated to invest \$186,000,000 in the development of her port and the dredging of the Thames to make that port effective for modern shipping.

Liverpool has spent \$125,000,000; Manchester—practically an inland city—has made herself a seaport by the investment of \$90,000,000.

Glasgow has invested \$40,000,000; Newcastle, \$80,000,000; Bristol, \$30,000,000; Hamburg, \$100,000,000; Antwerp, \$45,000,000.

All this expenditure represents the most effective possible means of checking the aggrandizement of the railroads or the inflation of freight rates under railroad control.

No one, however, can say that this development has wrought harm to the railroads of Europe, whether owned privately or by the Government.

On the contrary, European waterway development has proceeded, so to speak, hand in hand with the railroad development; and each has been made possible and has profited by the development of the other.

A trunk line of railroad can, to a certain extent, defy authority and maintain a high rate of freight.

But a canal is essentially a public way.

Lines of towboats and barges can move upon a canal or river in direct competition with each other; monopoly can be prevented; and the average freight rate via waterways is therefore kept automatically at the lowest figure consistent with maintaining the service.

It is for these very reasons that our waterway development must proceed under the public auspices of State and Nation and must be pushed as a work of public exigency, just as the Panama Canal has been pushed, irrespective of any railroad influence.

Still the railroads are dependent solely upon the prosperity of the district which they serve, and this prosperity increases in proportion as we open up cheap transportation for low-grade freights.

This we can only do with the help of the canal.

We are still congesting our railroads with a mass of cheap, low-grade freights which they can not carry economically.

We can not get satisfactory service from the railroads for the shipment of our factory products so long as these roads are tied up with undelivered shipments of coal, pig iron, and other raw materials.

The European practice is to move these low-grade freights by canal and river.

The railroads, freed from this low-grade business, at the same time build up the general business interests which they serve and increase the mass of high-grade freights which they must still continue to carry and which they always will carry, no matter how many canals are built.

The public servants of France and Germany have recognized this basic difference between the railroad and the canal and have seen that the proper development of both together would be mutually beneficial.

Our railroads have been afraid of canal development from the most narrow-minded reasons, and their successful activity in defeating our canal projects has reacted disastrously upon themselves.

EUROPEAN PORTS ARE INLAND, CONNECTED WITH THE SEA BY IMPROVED CHANNELS.

The secret of the success of the great commercial countries of Europe lies in their remarkable foresight, in the way in which they have prepared for expanding trade and commerce, and in the location of their great commercial centers.

Practically all of the great seaports of Europe have been equipped with modern transportation facilities far in advance of their actual requirements in anticipation of growth.

With us the typical commercial city is located either directly on the seaboard or some natural inland waterway.

Europe has built her seaports inland and connected them with the sea by dredging and excavation.

For example, Hamburg is 76 miles inland, and has been made available as a seaport only by the expenditure of a hundred million dollars.

But by reason of her inland location she is completely surrounded by a vast producing territory, and the genius of the German nation has foreseen the strategic advantage of bringing the ocean to the interior of her great industrial sections.

In comparison New York and Boston at best have only 50 per cent territorial efficiency, for they face directly on the ocean, and even Chicago pays heavily for her location on the shore of Lake Michigan in the fact that it shuts off all industrial environment on the north-east.

Antwerp is another of the great seaports of Europe, but she is located 55 miles from the ocean.

She still suffers from the natural handicap of the tide.

It is not often that a ship can make the entire journey up to Antwerp in one turn of the tide.

But Antwerp draws from a productive territory which completely encircles her.

Manchester, London, and Glasgow are equally significant examples of the European idea of commerce.

These cities are all far inland, Manchester being 50 miles—measured along the available water levels out to natural ocean channels—from the sea and shut off absolutely by nature from any maritime connection.

Glasgow is situated 60 miles inland from the Irish Sea, and has been made a great seaport only by dredging the river, which presented in the beginning a more serious obstacle than most of our American rivers to commercial development.

The River Clyde was originally a river of such small size that it could be forded by man or beast at many points.

I need not multiply these examples.

Great Britain and the commercial countries of the European Continent have become tremendous powers in the commercial world only through their public spirit and foresight in providing themselves with maritime facilities, either natural or artificial or both, as might be the case.

The main reason for the commercial supremacy of these countries is in the fact that they have already met and solved the transportation problems which we are still facing.

They went through their formative commercial period long before we did; they wrestled with the problems of municipal, private, or State ownership of waterways and railroads; and while we are still under the domination of our railroad monopolies, other countries have found the way out, even to the extent of digging a way through to the ocean at an enormous expense.

We must therefore look to the older communities of Europe and frankly copy their example; and by doing this we shall find that practically all the commercial centers of Europe have grown through the joint and parallel development of marine and rail transportation.

PANAMA: THE FIRST STEP IN OUR NEW POLICY.

By digging the Panama Canal we have struck at the heart of the problem.

We are obtaining for ourselves by concerted public action the type of transportation which is potentially many times cheaper than railroad transportation, and Congress, by the sections of the Panama Canal act with respect to the ownership of steamships by railroads, has taken effective action to make this potential value real.

We are thus beginning to see the utility of water-borne transportation as a natural means of controlling railroad monopoly.

THE LAKES-TO-THE-GULF PROJECT.

The Panama Canal being an assured fact, the most important remaining projects now on foot for the reconstruction of American commercial supremacy are the Lakes-to-the-Gulf waterway, the Atlantic deeper-waterways project, and the restoration of the Erie Canal to meet the needs of modern commerce.

While I can not undertake the discussion in detail of all these projects, I wish to refer briefly to the Lakes-to-the-Gulf enterprise as the one which in the largest sense will form the backbone of our future commercial development.

The distance from Chicago to the Gulf of Mexico is slightly in excess of 1,600 miles, and the connecting link formed by the Chicago River and the Chicago ship canal is only 38 miles long.

The remaining distance is covered by existing natural waterways which need only to be channeled and improved.

Of this total distance of 1,659 miles the entire route is now open, I understand, for vessels drawing 4½ feet.

For over three-fourths of the way, i. e., from the Gulf up to St. Louis, vessels of 8 feet draft are accommodated.

To complete a modern 14-foot channel from the southern end of the artificial Chicago ship channel down to the Gulf is estimated to involve an expenditure of \$150,000,000; and the broadening of the Chicago River and ship canal it is estimated will cost \$100,000,000.

By this development we shall have a 14-foot channel connecting the Lakes to the Gulf of Mexico at a total expenditure of \$250,000,000, with an estimated annual maintenance charge of possibly \$10,000,000.

Even if only the territory immediately tributary to the Mississippi were to be benefited, nobody could dispute the commercial importance of this scheme.

But, in fact, there are many large and important rivers tributary to this great waterway which feed an area comprising the greater part of our industrially developed continental territory.

This backbone once constructed, the laterals of the system will quickly follow, and the existing rivers will be dredged and the necessary east and west canal channels will be excavated. The diversion of the course of rivers for irrigation purposes shows what may be done in this respect.

The only argument that I have ever heard advanced against this project rested on the fact that we could build a north and south railroad from Chicago down to New Orleans at a slightly lower cost and double track it—the statesman in question sagely arguing that we could give the unexpended difference to public charity.

The absurd contention that a double-track railroad from Chicago to New Orleans would serve as economically and satisfactorily as a vast river system with practically unlimited carrying capacity need not be refuted before this audience.

Some years ago a project was brought up for the construction of a canal which should connect Pittsburgh with the Great Lakes, but went by the board, and in place of it the railroads interested in the steel and iron industries constructed railroad outlets for the Pittsburgh district at enormous cost.

I think it should now be evident that if the steel industry had provided itself with a waterway outlet to the Lakes instead of spending its money on the railroads, Pittsburgh might have maintained its old industrial supremacy.

Its freight rates on raw materials would have been reduced to perhaps one-tenth of their present amount, and the industries which by reason of this high cost of freight are now moving northward and westward and even into Canada might have been retained in Pittsburgh indefinitely.

Cheap rates on low-grade freights are the basis of industrial success.

THE ERIE CANAL.

The Erie Canal is a project to which the attention of New York State is earnestly needed.

I mention it as one of those projects to which State initiative rather than Federal initiative may well be given.

It will furnish us with a new outlet from the Lakes to New York City and the Atlantic Ocean, and will enable us to compete once more with the great 14-foot channel of the St. Lawrence system.

Twenty years ago the Committee on Railways and Canals of the Fifty-second Congress said: "On the day that it becomes possible to send ships direct from the Great Lakes to the ocean by way of the St. Lawrence River, while they are unable to go by way of the Hudson, * * * the merchant marine of the United States, which has had a new birth on the Lakes, will receive its death blow from Canadian competition."

That statement was made in 1892, and the report advocated the construction of a deep-water channel from the Lakes to the Hudson.

Somehow the railroad interests succeeded in convincing the people that New York interests would be better served by a mere barge canal.

But Canada proceeded with her own development, and her guiding principle was that freights should be carried in an unbroken bulk from the Lakes to whatever foreign port they were consigned to, or, at most, with only one transshipment.

We must have a way out to the sea for our own ships by which they can come and go as freely as if on the ocean.

Canada has flanked us commercially and is taking the commerce of the West through Montreal.

Already our farmers are finding their closest competitors in the great Canadian Northwest, and Winnipeg has become the greatest wheat market in the world.

Our wheat supremacy passed from Chicago to Minneapolis and then to Duluth, and now Manitoba has become the center of the wheat market.

Our cereals compete with those of the Saskatchewan Basin, which, with its splendid outlet to the world, will displace our own agricultural districts unless we provide a low-cost outlet to our markets.

THE CANADIAN SYSTEM.

One of our obstacles to waterway development is found in the failure of our canal promoters and advocates to insist upon channels of sufficient depth.

Consequently, while the Canadians carry an unbroken cargo of 80,000 bushels on a channel 14 feet deep, our Erie system is limited to a cargo of 8,000 bushels on a channel less than half the depth of the Canadian system.

The Canadian method is right; our way has been wrong.

The Canadian system has developed in accordance with a broad-minded governmental policy.

Our policy has been badly defined, narrow, and selfish.

Canada has spent on her canals and navigable inland waterways a total of \$130,000,000, as against \$475,000,000 on her railroads—a ratio of about 1 to 3½.

We have expended sums on our waterways and railroads on the ratio of 1 to 36.

Relatively Canada has spent 10 times as much on her waterways as we have spent.

With the development of the Canadian canals the cost of carrying freight has almost steadily declined.

For instance, on the Sault Ste. Marie Canal in 1890 the cost of a ton-mile was 1½ mills.

Twenty years later it had dropped to seventy-nine one-hundredths mill.

And at the same time the total shipping has tremendously increased. For example, the total freight carried from the Canadian system of canals in 1908 was 17,000,000 tons.

Within the next year it jumped to 33,000,000 tons. Yet the number of trips diminished, showing the steady increase in the tonnage of the average carload.

In fact, the average cargo in 1908 was approximately 1,000 tons. The comparison of this record with the pitiful shipments of our own canals need not be dwelt upon here.

Canada has recognized the essential difference between waterway and railroad traffic, and has realized that both kinds are indispensable.

The function of the waterways is to move the lower grades of freight at a cheap rate.

The function of the railroad is to move the higher grade freight and to move them fast.

That is the natural distinction between railroads and inland waterways.

Throughout the greater field of raw materials and cheap merchandise speed is not essential, but economy is.

The railroads have a sufficient field of service and profit in connection with the higher grades of freight which demand prompt shipment and upon which a heavier charge can be paid.

Our public policy should have recognized this relation between waterway and railroad transportation and maintained it as the basis of a more equitable adjustment between the two methods.

I think I have made it clear that we are the only country of commercial importance which has ignored this vital consideration.

THE ARGUMENT FOR SPEED.

The railroad advocates are loud in their criticism of the inland waterway as an impracticable means of transportation on account of the alleged slowness of waterway service; and we may freely admit that, in general, the railroads ought to render a faster freight service than could be given by the inland waterways.

The fact is, however, that we have congested our railroads with so much low-grade freight that all American freight movements are impeded beyond reason; and we shall not get a satisfactory rate of speed from the freight train until we have learned to ship our raw materials more generally by water.

Let us examine this statement in detail:

In 1910 the American railroads moved, in round numbers, 18,000,000,000 freight-car miles, and the number of freight cars in service was 2,000,000. (The actual number of car-miles was 18,349,000,000, and the actual number of freight cars in service was 2,135,000.)

From this it is evident that our freight cars moved on an average of 9,000 miles a year, which is slightly in excess of 24 miles a day.

So much time is lost by demurrage, on sidings, and in the repair shop that the potential service of our freight cars is reduced in practice to this excessively low figure.

It will be noticed that the figure of 24 miles (or, to be exact, 24.6 miles) per day represents the average travel of an American freight car. Of course, there is a good deal of fast freight that moves more rapidly, but I am a shipper of machinery and other manufactured goods, and I know from my personal experience that many carload shipments proceed at the rate of only 5 or 10 miles per day.

I do not think that we need to debate at any great length from these data that the inland waterways are capable at least of rendering a sufficiently fast freight service for our cheaper grades of freight.

I personally know of many freight vessels which have averaged not 24 miles a day, but 150 miles a day, day in and day out, during every month of the year.

If our waterways were properly developed, the immediate effect upon the railroads would be to enable them to move the higher grades of freight at a much increased average rate of speed.

The European practice of utilizing the inland waterways (natural and artificial) for low-grade freights has, indeed, taken this business away from the railroads, but it has not crippled the railroads.

The average percentage of net revenue to capital on American railroads for 1911 is stated to have been 5.36 per cent.

In Germany, with its splendid equipment of waterways and canals, the average per cent of net revenue to capital on the German railroads was 5.09.

CONCLUSION.

If we were to rest our appeal for the development of our inland waterways only on the necessity of effecting a better freight service through the interior of our country, the issue would even then be unmistakable.

But this is only the lesser of the two considerations involved, for we are rapidly assuming a more important place in the larger field of foreign trade.

The opening of the Panama Canal will not only stimulate our own domestic commerce, but will act as a stimulus to our foreign trade also.

It will make our western seaports easily available to Europe, and it will put our eastern seaports within the reach of the Orient.

But we can not benefit as we should by this expanding commerce without a radical change in our public policy respecting transportation.

We must have outlets to the ocean from our principal industrial centers; we must have lateral canals connecting with our principal waterways, and we must open up as much as possible of our continental territory to our own merchant marine and to the ships of other countries as well.

Only from the most parrow and short-sighted policy could we further ignore the need of such development.

The change of public sentiment in favor of a broader commercial policy is further evidenced in the universal dissatisfaction with established tariff schedules and the demand for closer relations between ourselves and the rest of the world.

Surely we can not shut our eyes to the growing sentiment for an expanding international commerce on the one hand or to the pressing needs of our own domestic transportation on the other.

Both considerations unite in giving the utmost weight at this time to a plea for the concerted development of all our principal inland waterways, our lakes, rivers, and canals; for the building up of our existing seaports; and for the planning of future ocean terminals upon the broadest scale.

The Clerk read as follows:

For pay of special agents at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of \$3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for trans-

portation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, \$83,960.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman from Texas in charge of the bill the reason for cutting down this appropriation \$44,000?

Mr. STEPHENS of Texas. I will say that there are several agents formerly under this item that are now specially provided for. Therefore it is necessary to deduct that amount and put them in under the heads of the agencies in the respective States, and I will point those out as we go along. This is a lump-sum appropriation. We have appropriated along through the appropriations for the States for these various items so that the totals are the same; but instead of a lump sum we have made special appropriations in the States under the proper heads for these agents.

Mr. MANN. The specific appropriation for the States maintains appropriations for these special agents, but I take it that these special agents would be confined to those States. What is the object of removing the discretion of the department in having special agents sent from one place to another where they are most needed and requiring them to be retained in particular States?

Mr. STEPHENS of Texas. I think the gentleman from Illinois misapprehends the matter. The justification will show the object of this.

This same amount was carried in the bill last year. As the reading of the item indicates, it is used for the various expenses of the service which are not otherwise provided for. This fund is indispensable to the efficient administration of the service and permits of a smaller appropriation than would be practicable if the several matters were specifically provided for. That is the justification.

Mr. MANN. I do not see that that justifies. That says the amount is the same as last year. You have reduced the amount and made specific appropriations, which the witness declares would require a larger sum of money.

Mr. STEPHENS of Texas. Here is a more full explanation: Mr. MERRITT. I should like to submit a justification for this item, as follows:

Contingencies, Indian Department.

Fiscal year ending June 30, 1912:	
Amount appropriated	\$115,000.00
Fiscal year ended June 30, 1911:	
Amount appropriated	115,000.00
Amount expended	100,084.63
Unexpended balance	14,915.37
Analysis of expenditures:	
Employees	47,920.70
Repair material	312.82
Heat, light, and power	802.00
Subsistence	211.40
Hardware, furniture, etc.	1,678.36
Medical supplies	347.25
Purchase of live stock	460.00
Forage	3,341.27
Traveling expenses	38,170.84
Telephoning, etc.	1,168.49
Stationery and office supplies	4,188.73
Miscellaneous	1,482.77
	100,084.63

CHANGE IN FORM OF ITEM "CONTINGENCIES, INDIAN DEPARTMENT."

The item as it appears in the act of 1912 is badly arranged and so indefinite as to make it difficult in some cases to determine whether expenses should be paid from this or some other appropriation. This is especially true with respect to "traveling and incidental expenses of * * * other officers and employees of the Indian service."

It is obviously not intended that all traveling expenses shall be paid from this appropriation; if they were, there would not be enough for this purpose alone, to say nothing of anything else; yet with such a specific provision for such expense there is always a doubt as to what appropriation should be used. These doubts, with the ever-present possibility of a disallowance by the accounting officers of the Treasury, will be eliminated by the proposed change in phraseology.

Mr. MANN. The amount appropriated for the current year is \$125,000 and not \$115,000, which I suppose was the appropriation for the last fiscal year. Now, last year you increased the amount to \$125,000, and you say that is necessary. This year you decrease the amount to \$80,960.

Mr. STEPHENS of Texas. That brings up the controversy relative to the district agents in Oklahoma.

Mr. MANN. Does that involve the district agents of Oklahoma?

Mr. STEPHENS of Texas. Yes. None of these agents could be used in Oklahoma, and we were willing to increase the amount last year so that we could meet the increased demand in Oklahoma. For that reason we propose to dispense with \$100,000 appropriated for district agents in Oklahoma and permit it to be used for agents all over the United States instead of specifying special agents in Oklahoma.

Mr. MANN. Last year you increased the amount so as to authorize special agents to go to Oklahoma, and now you re-

verse it and make an appropriation for agents in Oklahoma. What is the theory upon which you do that; why do you change the theory from that of last year to that of this year?

Mr. CARTER. Mr. Chairman, I would suggest that I noticed from the hearings that it is stated that this is the same amount that was appropriated last year.

Mr. MANN. That probably was the estimate. The amount appropriated last year was \$125,000, unless I am mistaken.

Mr. CARTER. That is my recollection of it, but I noticed this on page 36 of the hearings:

The following justification has been submitted:
"This is the same amount as last year. As the reading of the item indicates, it is used for various necessary expenses of the service which are not otherwise provided for. This fund is indispensable to the efficient administration of the service and permits of a smaller appropriation than would be practicable if the several matters were specifically provided for."

Mr. MANN. Why was the amount reduced from \$125,000, which they say is necessary, to \$80,960?

Mr. CARTER. I was not aware that it had been reduced until the gentleman just called my attention to it. Perhaps the gentleman from Oklahoma [Mr. FERRIS] can make some explanations.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BURKE of South Dakota. Mr. Chairman, I will state that last year when the bill passed the House no appropriation was made for the district agents in Oklahoma. I think the gentleman from Illinois [Mr. MANN] will remember that I submitted some observations at that time as to why I thought the district agents ought to be continued and that it would be a calamity if they were discontinued. The Senate increased the appropriation for special agents and other purposes, and in the conference it was the desire, it seems, of the House conferees to carry \$50,000, I think it was, of the amount that was to be used for district agents under this item. Therefore the amount was increased in the Senate to \$125,000, as I remember it.

The House committee in reporting the bill this year has again eliminated the appropriation for district agents, and therefore they reduced this appropriation the amount that had been added to it last year which was to be used for district agents. Personally I think it is a mistake, as I said last year, to discontinue the special agents in Oklahoma, and when we reach the item in the bill relating to the Five Civilized Tribes I shall submit very briefly some observations upon the subject of district agents. I think that explains why the amount was decreased in the pending bill.

The Clerk read as follows:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855-866), and the regulations thereunder prescribed by the Secretary of the Interior, \$25,000.

Mr. MONDELL. Mr. Chairman, I reserve the point of order on this paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will state his point of order against the paragraph. I think that we would gain time if he would do that.

Mr. MONDELL. Mr. Chairman, I may withdraw my point of order after proper explanation as to the necessity for the appropriation.

Mr. STEPHENS of Texas. Would not the proper procedure then be to strike out the last word and ask for an explanation?

Mr. MONDELL. I prefer to reserve the point of order, if the gentleman does not object.

Mr. STEPHENS of Texas. Oh, I do not like to object.

Mr. MONDELL. Without objection, I reserve the point of order.

Mr. STEPHENS of Texas. The gentleman has a chance to expedite the passage of the bill by not reserving a point of order, but asking for an explanation. It seems to me that we ought to hurry this bill. However, I do not object.

Mr. MONDELL. My reservation of the point of order is on the general proposition that there is no provision of law for an expenditure of this character.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, the reason for this appropriation is more than apparent, and when the gentleman hears what it is, I believe he will be satisfied with it. In 1910, two sessions back, we passed an act, I think introduced by the gentleman from South Dakota [Mr. BURKE], which provided that the Indian rolls, as kept by the Secretary of the Interior, should be final as to heirships. This is what that bill did. It imposed some new work on the Indian Bureau for which they had no appropriation. The necessity for the appropriation it seems to me is thrice apparent. In an Indian country where Indian

lands are sold extensively, as they must be from time to time, and under regulations and through the courts, it becomes peculiarly important to know who the heirs of the deceased Indians are. The department does not attempt to issue patents or deeds direct from the department, for which the department stands sponsor; but, on the contrary, they do issue to the purchasers of the land a deed signed by all the heirs. It becomes important of course to tell who the heirs are. In numerous Indian reservations, as the gentleman no doubt is aware, Indians have multiplicity of wives. One Indian may have three or four wives and have several children.

Mr. MONDELL. That is in the running of the years.

Mr. FERRIS. Even of longer duration than that.

Mr. MANN. The gentleman means shorter duration.

Mr. FERRIS. No; at the same time.

It becomes necessary to know what children are interested in a particular piece of property. The Indian rolls are the best authority we could get on the subject, and in order to make the Indian lands worth anything and the titles to have any stability for the purpose of sale or loan or barter, you must fix the heirship somewhere. The two Houses of Congress agreed in 1910 that the Interior Department rolls should be final, and they need this money.

Mr. MONDELL. Does the gentleman want the House to understand that we are recognizing polygamy among the Indians or anything of that kind?

Mr. FERRIS. I think the gentleman will bear me out in saying that it has been the tribal custom for Indians in the more backward tribes to have several wives at the same time. They do have them, and that has prevailed in my own county in Oklahoma up to two years ago. Then the Indian agent said, "We will have no more plurality of wives," and so he ordered each Indian buck to make a selection and take the wife of his choice in and be legally married before a probate court and that was done. However, that left women with children who have no legal marriage, and he is attempting as best he can by the use of this fund to help this condition. There has to be a place to stop somewhere. I do not know how many tribes it has prevailed in, but it has been prevalent among the Kiowa and Comanche and numerous others of the backward tribes. I do not think it prevails in the eastern half of the State among the Five Civilized Tribes. I feel sure it does not, for the bulk of them are not real Indians at all; they are white people with a small strain of Indian blood, and should be allowed to go their way.

Mr. MONDELL. Mr. Chairman, I think the gentleman has made it very clear that it is necessary to have some fund available for the purpose of determining cases of heirship. In fact, those who are familiar with the conditions in the Indian country have never had any doubt in regard to it. My objection to this new item of appropriation, however, is based on the fact that it proposes to spend the money of the people of the United States for the purpose of determining title to Indian property. Now, people who own property, whether they be Indian or white, certainly ought to be able to pay the expense necessary for determining the character of the title and determining the ownership. There ought to come a time when we cease to treat the Indians as indigents, to be supported by the people of the United States, without regard to the property they own. Such a policy as we have pursued and as this item proposes to now inaugurate in a new line is not only bad in principle as a governmental proposition, unfair to the taxpayers of the country, but its effect upon the Indian is injurious. The Indians ought to learn—

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. In a moment. I am in earnest about this thing. I think the gentleman and his committee, without intending to do it, have for years past been too liberal, if I may use that term, in using the money of the Government in expenditure on behalf of Indians who are fully competent by reason of ownership of property to pay their own way. The department has at present on the reservation in my State an agent whose business it is and has been for some months past to determine questions of heirships. They are badly tangled. It will require a considerable length of time to untangle them and determine whom the heirs to various pieces of property are. But that property has value. Those Indians are not paupers.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. MONDELL. In just a moment—to determine who the heirs are, and in that case I have understood that the department had some method whereby the expense was chargeable against the Indians or against the property to be ultimately reimbursed. It ought to be. The Indian ought to be made self-respecting. We should not go on forevermore treating these people as though we were going to coddle them along for all time; that it is our purpose to continue to look after their property

for them without seeking reimbursement from them. We should bring them to realize and understand that while the Government is as a guardian protecting them from the hand of the despoiler, or attempting at least to do so, at the same time they must pay the reasonable cost for the care of their property and the determination of title. Now, if the gentleman had made the item \$50,000, reimbursable in cases at least where reimbursement is possible, I think the item would be much more defensible than it is at \$25,000, one-fourth of what the department asked for, paid out of the Treasury for the purpose of investigating titles to property. Why, many of these Indians are much better off financially than the average white people of the United States who support the Government. The people of my Commonwealth are fairly well to do, much better off than the average American citizen, and yet I doubt whether the average wealth in the State among the white people is much greater than that of the Indians on the reservation, taking into consideration the value of their property. There is not any reason under heaven why the Government should bear this expense. We continue to pauperize these people; we continue to make them feel their dependence upon the Government, coddling them along and paying their debts, providing for those things for which they themselves should provide, and which in the majority of cases I imagine they are perfectly willing to provide.

While I shall not insist upon my point of order, or shall not even demand an amendment, it does seem to me that it is a very great mistake not only to continue many of the items already in this bill, but to start out on new lines of expenditure entirely without justification, in view of the fact that we are taxing all the people for the purpose of caring for the property of a few of the people who happen to have red skins.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. STEPHENS of Texas. Is it not a fact that the regular administrative work of these agencies does not provide for these heirs, and that it is necessary, on account of the court, that these heirs have no authority to appoint? A great many of these allotments are going to heirs, and it is impossible to determine what portion of the money is coming to them unless it is first ascertained who the heirs are. The department will be handicapped unless we give them this amount of money.

Mr. MONDELL. If the department has any difficulty in determining who the heirs are, of course it means money. As I said, the department has now in my State an efficient attorney engaged in this class of work. Here is an appropriation to pay for that kind of work. I am not objecting to making money available for this kind of work if it is not now available. If it is not obtainable from the funds of the tribes, then it should be made available, and afterwards provision shall be made whereby these amounts may be taken from the funds and should be made reimbursable. I object to the items because it is taxing the people of the United States with an obligation to take care of the property of the red brother. The latter is very much of a man, as I have met him. They would suggest that in caring for their property, provided we keep the cost in bounds, we should pay for them.

Mr. STEPHENS of Texas. This is what the department said:

In order to clear up the tangled condition of the estates of deceased Indians so that the inherited lands may be disposed of to white settlers, and so that the money may be available to provide the Indian heirs with funds with which to begin the farming of their own allotments and the building of sanitary homes, it is desirable that this item should be retained in the bill.

I think that is sufficient justification for this item.

Mr. MONDELL. I have not suggested, as the gentleman knows, that it is not necessary to have money for the work, but I have suggested that there is no justification for the payment of the money of all the people for work of this character.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to know the point of order which the gentleman has raised.

Mr. BURKE of South Dakota. Will the gentleman from Texas [Mr. STEPHENS] yield to me for a minute?

Mr. STEPHENS of Texas. I yield.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Wyoming if he is in favor of the act of June 25, 1910, which places the matter of administering the estates of deceased Indians in the Interior Department rather than in the courts?

Mr. MONDELL. The gentleman, who is an expert in Indian matters, is, as I understand, author of the act?

Mr. BURKE of South Dakota. Yes, sir.

Mr. MONDELL. I am willing to accept the judgment of the gentleman from South Dakota as to whether that act is good and wise legislation until I learn otherwise.

Mr. BURKE of South Dakota. I want to say the proposition of making a charge against the estate was carefully considered when this act was presented to the House, and it was thought

it would be rather difficult to determine what the amount ought to be in each case, and that in any event it would be a mere bagatelle so far as the Government is concerned. Now we propose to appropriate \$25,000 for the purpose of administering this law. I think the gentleman will appreciate that in the course of a fiscal year there will be probably several hundred cases determined, and that the amount in each case would probably not exceed \$20 or \$25. Of course, we could authorize a charge to be made to cover the expenses in each case, take it out of the proceeds received from the sale of the land when the land is sold, and the expense to the Government would be more than reimbursed.

Mr. MONDELL. Why not do business with the Indians in a businesslike way?

Mr. BURKE of South Dakota. The time will probably come when that will have to be done—when we can determine just how much the charge ought to be. Personally, I question very much whether we ought to make a charge to the Indians for determining the heirship of inherited lands.

The gentleman talks about the Indians in his own State. He knows that in many instances the allotment of an Indian on some of the reservations in his State has very little value, not over \$200, and perhaps it might not be sold for several years, and if a charge was made it would be rather difficult to collect it in many cases. I am in sympathy with the gentleman's position, and have tried on every occasion when I have had opportunity to favor legislation that makes expenditures on account of the Indians reimbursable where it is proper to do so. I think, perhaps, in this instance some way might be found so that the Government could be reimbursed for this small expense that will occur in each case in determining heirships.

Mr. MONDELL. If the gentleman will allow me at that point, he says, "just a small expense." It is true we are appropriating only \$25,000, although the department asked for \$100,000. I doubt if \$100,000 would be too much to cover the expense in all these cases.

Mr. BURKE of South Dakota. That is all.

Mr. MONDELL. I understand there are 350 cases which require a good deal of investigation upon one reservation in my State. Ultimately this investigation on all reservations will amount to hundreds of thousands of dollars.

Now, I have no desire to split hairs in a matter of appropriations for the benefit of the Indians. We should be liberal, but I do think we ought to get down to a business basis in regard to these matters. These people own property. Some of the allotments are not very valuable it is true, but in addition to the allotments most of these Indians share in holdings in common, of very considerable value. Many of them have funds to their credit in the Treasury, and yet the people of all the country are going to be evermore taxed for the purpose of settling the questions of ownerships.

Mr. BURKE of South Dakota. In other words, to administer the affairs of the Indians.

Mr. MONDELL. I think the time has arrived when we ought to teach the Indian—and I think he will be a willing pupil—that he must pay for the administration of his estate, and then possibly gentlemen like my friend from Oklahoma [Mr. FERRIS] will have among the Indians themselves some support in a matter in which I sympathize with him very considerably—some support from the Indians themselves in opposing large expenditures out of their funds. But so long as we hire agents and send them abroad over the land to investigate questions affecting Indians at the public expense, the Indian has no special interest in it. It does not cost him anything; he does not care how much of the Federal money you spend; he can not be expected to, and therefore he sometimes fails to differentiate between the funds which he himself must ultimately meet and pay, and those expenditures which are made from the Federal Treasury.

I withdraw my point of order.

The CHAIRMAN. The gentleman from Wyoming withdraws his point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. May I ask the gentleman in charge of the bill whether the act of June 25, 1910, referred to in the item, was not the omnibus Indian bill?

Mr. STEPHENS of Texas. I will yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. If the gentleman means the gentleman from South Dakota and not the gentleman from Oklahoma [Mr. FERRIS], I will say that the act of June 25, 1910, was what is known as the omnibus bill, and I will also

say in that connection that this provision, this legislation that is referred to, was enacted in a prior act of Congress and re-enacted in the act of June 25, 1910.

Mr. MANN. I would not lay any great stress upon the fact of anybody in particular supporting the bill, because it had so many items in it that nobody could say what was in it except the author, probably, in whom we had and still have great confidence. I take it that the question then was whether the Government, through the Interior Department, would settle the heirship of deceased Indians, or whether the matter should be left to the probate courts. We have recently seen that there was at least some suspicion in reference to the matter of leaving the settlement of the question to the probate courts in some parts of the country. I am somewhat delighted that the gentlemen from Oklahoma are in favor of having the Interior Department settle the heirship of Indians outside of Oklahoma at the expense of the Government, probably, as has been stated, at nominal expense, while apparently some gentlemen from Oklahoma who do not have the privilege of the floor of the House seem to be in favor of having the heirship of Indians in Oklahoma settled by the probate courts, not only at the expense of the property of the Indians but at a very high rate of expense.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Is it not a fact that Oklahoma has for many years had a commission known as the Dawes Commission, and that they have not been under the control of the Indian Department as have all the other States? And is not that the reason why Oklahoma has been separated from the other States in the matter of the making of these laws?

Mr. MANN. I will answer that question categorically, no, that is not the reason; although there has been a Dawes Commission as long as I can remember, and probably will be after I am dead and gone.

Now, we make the Indian's estate in the probate court in Oklahoma pay the expense of probating the estate, including proof of heirship. In some cases the expenses of the probate court apparently run as high as 20 per cent of the total amount of the estate. Here it is proposed to have the Government pay the expense, which the gentleman from South Dakota [Mr. BURKE] says is a nominal expense. I think it is well to have the Secretary of the Interior find the heirship, and I can see no reason, when that is done and the property is sold, why the property should not pay back to the Government the expense of proving the heirship.

Mr. BURKE of South Dakota. Right at that point, if the gentleman will permit me, the act of June 25, 1910, does not necessarily require the property to be sold. It may be partitioned and divided and patents issued to the heirs, and they may retain possession of it. So in cases of that kind there would be no moneys from the sale to reimburse the Government for the expense incurred in determining the heirship.

Mr. MANN. Well, it would be a charge against the property. My recollection of the act of June 25, 1910, is that it does not provide that this work shall be done at the expense of the Government. If I am wrong about that I shall be very glad to be corrected.

Mr. BURKE of South Dakota. I have the act here, if the gentleman would like to have me refer to it. It simply provides that when an Indian dies, the Secretary of the Interior, upon notice of hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedents, and his decision thereon shall be final and conclusive. There is nothing said about who shall pay the expense.

Mr. MANN. No; there is nothing said there, nor was there anything said here when the act was passed. I do not think it was contemplated by Congress when that act was passed that the final expense should be borne by the Federal Treasury instead of by the estate which was settled. The gentleman from Wyoming [Mr. MONDELL] suggests that the estimate was \$100,000, and my friend from South Dakota [Mr. BURKE] says, "Oh, well, that is a mere nominal sum."

Mr. BURKE of South Dakota. I think it is.

Mr. MANN. It would be to my friend from South Dakota, but to me \$100,000 would seem as large as Pike's Peak.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 7, by adding at the end of line 24 the following: "Encouraging industry among Indians: For the purpose of encouraging industry among Indians, and to aid them in the culture of fruits, grains, and other crops, \$250,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States

on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on that amendment.

The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the amendment?

Mr. MONDELL. I do, Mr. Chairman. I do not think the item is subject to a point of order, but I should like to be allowed to speak briefly to the merits of the amendment.

The act of April 30, 1908 (35 Stat. L., 70-83), appropriated the sum of \$25,000 to be used as a reimbursable fund at the Fort Belknap Reservation for the purchase of machinery, tools, implements, and other equipment and animals to enable the Indians to engage in the raising of sugar beets and other crops. There are approximately 154 accounts outstanding against the Indians on this reservation by reason of their participation in the use of the money appropriated.

These accounts involve the purchase of agricultural implements, fence wire, and seed.

The total expenditures made under the appropriation since its establishment amount to \$29,768.26, and more than \$15,000 has been already repaid by the Indians and is being again used for a similar purpose under the provisions of the act of March 3, 1909 (35 Stat. L., 781-795), which provides that the money repaid shall be available for reexpenditure.

The act of April 4, 1910 (36 Stat. L., 269-277), appropriated the sum of \$15,000 for the purpose of encouraging industry among the Indians residing on the Tongue River Reservation, in the State of Montana, to aid them in the culture of fruits, grains, and other crops. This money has been expended in the purchase of agricultural implements, mares, stallions, seeds, and nursery stock, and sales amounting to more than \$12,000 have been made to the Indians, and the collections already made amount to more than \$7,000.

The sum of \$30,000 was appropriated by the act of March 3, 1911 (36 Stat. L., 1058-1061), for the purpose of encouraging industry among Indians, and this money was apportioned in various amounts, ranging from \$1,000 to \$5,000, to 15 different reservations. Expenditures have been made in the purchase of farming implements, equipment, wagons, horses, and other breeding stock, and while the actual number of Indians who participated in the use of the money on the various reservations is not known at the present time, the reports received indicate that the money is serving a very useful purpose.

At the Blackfeet Reservation in Montana \$10,000 was set aside from "Indian moneys, proceeds of labor," to be used as a reimbursable fund, but this sum is entirely inadequate to meet the needs of these Indians. It is estimated that at least \$25,000 more could be used, but the tribal funds will not permit the setting aside of that sum for the purpose. At the Menominee Reservation in Wisconsin a reimbursable fund of \$7,500 has been established, but here, too, this sum is entirely inadequate.

The three appropriations referred to above, augmented by the two reimbursable funds established from tribal moneys, amount to \$87,500, and it has been inadequate to aid all the Indians, who not only need but want and are asking for assistance from the Government in providing stock and agricultural equipment under the reimbursable plan.

The Indian Office has found it necessary to deny requests because of the limited funds available. In April last reports were called for from various reservations with a view of ascertaining how much money in addition to tribal funds and individual Indian moneys now available would be needed to enable the Indians on the various reservations to become established in farming, stock raising, and industries which would place them on a self-supporting basis. The reports received indicate that an appropriation of \$9,123,350 would be necessary for the purpose.

These estimates are based upon the apparent needs of the Indians to enable them to engage in agricultural pursuits, including the live-stock industry. The amount asked for, therefore, is reasonable and could be made to serve a very useful purpose in the industrial upbuilding of the interests of the Indians, a very large number of whom, through lack of means to farm their lands, are earning a livelihood through working for their neighbors at such times as they can obtain employment.

Regulations governing the use of the \$30,000 appropriated by the act of March 3, 1911, were prepared and approved by the Secretary of the Interior, and the last paragraph of these regu-

lations provides that they shall apply to and govern the use of similar appropriations and funds where the law will permit.

It is believed that a fund of \$250,000, in addition to what has been already appropriated, used under the regulations referred to, will go a long way toward helping the Indians to reach that state where they will be self-supporting, who, under the present conditions, are unable to get ahead because of economic embarrassment.

It will be seen that we have from time to time made these appropriations for the general good of the Indians, for the encouragement of industry among them, reimbursable. I am very much in favor of this kind of an appropriation. I have on various occasions in the discussion of this bill called attention to what I conceive to be a radical error, a very unfortunate policy—that of appropriating indiscriminately for the benefit of Indians, in many cases for Indians who have large sums in the Treasury of the United States, at the expense of the taxpayers of the United States.

We should be liberal toward our Indian wards. We should do everything that is necessary in the fulfillment of our duty toward them. We have been doing more than that, but above all things we must teach the Indian to be self-supporting and self-respecting. We can not teach him to be self-supporting, and he never will be self-respecting, so long as, without regard to the amount of property he owns, we scatter Federal funds broadcast for his benefit.

In many cases there are Indians who have no available funds, though they have very considerable property. There are many other cases where Indians have very considerable funds that are doled out to them in dribblets, dribblets that are dissipated—used oftentimes for the purchase of articles of but little permanent use or value to them.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FERRIS. Will the gentleman withhold for a moment? Mr. Chairman, I move that at the expiration of seven minutes all debate upon this paragraph be closed.

Mr. MANN. I would like to be heard for a few moments on this.

Mr. FERRIS. I will withhold my motion, Mr. Chairman.

Mr. MONDELL. Now, the purpose of this item is that we shall provide a loaning fund to be expended in the discretion of the Commissioner of Indian Affairs for the purchase of cattle, horses, agricultural implements, or other articles, the possession of which will enable the Indian to become self-supporting. Books are to be kept with him, and in the course of time he is expected to repay the Government the sum.

The history of the past reimbursable items is the strongest argument in favor of this one. For the Indian has proved himself in almost every case to be mindful of his obligation, anxious to meet it, and in the great majority of cases these sums loaned to the Indians have been and are being returned much more speedily than we could have expected.

I have talked with a number of gentlemen, particularly with the agent for the Northern Cheyennes in Montana, in regard to these funds, and the story he tells me is a marvellous one, remarkably interesting. That tribe is rather backward in some respects in its development. They are a wonderful race of Indians, manly in many ways, but backward in development as an agricultural people. We have been purchasing seed, tools, and implements for them, and they have been paying for them. They are learning that in their dealings with the Government they must return all that is expended in their behalf.

We should now inaugurate this policy generally. We have made great progress in breaking up the communal system. We are giving the Indians their land in severalty, in many cases turning them loose with 40, 80, or 160 acres of raw land that a white man, conditioned as they are, could do nothing with and the ownership of which to the Indian is simply a burden.

Of course, they can not be expected to go out on sagebrush plains and grub out the brush and dig their laterals, or to go out on the dry farms, where irrigation is not possible, and without funds cultivate, plant, and reap.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more. This is a very important matter.

Mr. FERRIS. Mr. Chairman, I hope the gentleman will not take any more time on this amendment. The committee is consuming no time at all and the gentleman is consuming much time.

Mr. MONDELL. Mr. Chairman, I do not expect to talk again on this particular item.

Mr. FERRIS. Oh, the gentleman hopes to continue to talk.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, we are endeavoring to teach habits of industry to these Indians. That is the hardest thing for an Indian to learn; not that the Indian is lazy, for he is not. He is among the most energetic of men, but he is the greatest aristocrat, as that term is sometimes used, known in the world. No race of people has ever lived that has had such an ingrained prejudice against labor. The noble red man degrades himself when he labors either mentally or physically, according to the tribal tradition handed down from time immemorial. It is a part of his blood, a part of his being. It is hard to get away from it. We are trying to teach the Indian that labor is honorable, and it is an exceedingly hard lesson for him to learn. Yet we turn him loose on an allotment without seed, without tools, without stock, with neither plow nor ox, nor grain to plant, and expect him to become self-supporting. It is impossible. We ought not to give these Indians funds unlimited with which to buy these things. We ought not to buy them for them and charge the cost to the good people of these United States, but we should do what we have been doing wisely and successfully—that is, establish a credit fund for them; and if we shall have the same success in the future with this credit fund that we have had in the past it will mark the most important step yet taken in the civilization of the Indians, a step as important as the day when they first moved from the tepee into the walled tent, where he can put up a cookstove and a washtub.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MOORE of Pennsylvania. How many Indians are there in the United States?

Mr. MONDELL. The gentleman from South Dakota [Mr. BURKE], who is an authority, says about 300,000.

Mr. MOORE of Pennsylvania. And to those 300,000 the Government makes allotments, both of lands and money, does it not?

Mr. MONDELL. There are very few Indians now receiving any annuities.

Mr. MOORE of Pennsylvania. They are wards of the Government?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. And receive a direct financial benefit from the Government without any quid pro quo.

Mr. MONDELL. As to about four-fifths of the items in this bill; yes.

Mr. MOORE of Pennsylvania. No such consideration is given to the young white farmer who wants to start out and work the arid or semiarid ground.

Mr. MONDELL. Oh, no.

Mr. MOORE of Pennsylvania. No consideration is given to the mill hand who has no opportunity for employment or for profit except as his own energy brings it about. So the Indian is the favored ward of the Nation?

Mr. MONDELL. Oh, surely.

Mr. MOORE of Pennsylvania. I do not want to trespass upon the gentleman's argument, because it is a fine argument, and his statement is clear and lucid; but does the gentleman not bring us up to the problem which some day may have to be faced in this country of providing means for assisting the white man who wants to cultivate the ground or the white man in the city who finds himself in need?

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MONDELL. The gentleman from Pennsylvania has taken three or four minutes of my time.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for three or four minutes.

Mr. MONDELL. One minute.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to have his time extended one minute. Is there objection?

There was no objection.

Mr. MONDELL. My proposition is this: You can not get blood out of a turnip. You can not wring a fortune or a livelihood from a stone. The Indian will not become self-supporting unless he is assisted, where he has not the stock, the machinery, or the seed.

I would not give it to him, but I would loan it to him, and it has been proved conclusively to the satisfaction of anyone who will investigate these records that some of these Indians have returned these moneys from time to time and in small sums until they finally, in many cases, have entirely wiped out their obligations; and others are wiping them out. They return these sums; they are learning the habits of business; they are

learning their obligations; they become more self-respecting. If we do not do that, we must continue as we are in this bill to give them the moneys of the good people of this country without expecting a return of the sums necessary to put them on their feet and start them in business.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, I think, possibly, on the general purpose which the gentleman from Wyoming has in view I might be in accord. The gentleman stated a number of times in the course of his address to the committee that this money had been returned so completely by the Indians that the Government might well take the chance of making the appropriation. I have such high regard for the statement of the gentleman from Wyoming that I am going to call his attention to a little report, so he can more fully explain that. Two years ago we made an appropriation for this same purpose, reimbursable, and we have a report from the Secretary of the Interior as to the expenditure of that fund. There was expended under that appropriation \$151.79 for seeds, trees, and so forth, Flathead, Mont.; \$150 for the same purpose at Pechanga, Cal.; \$687 for live stock at Soboba, Cal., and \$107.66 for implements, harness, and so forth; \$1,436.50 for live stock at Santa Fe, N. Mex.; \$495 for live stock at Shawnee, Okla.; \$737 for live stock at Walker River, Nev.; and the total amount expended for encouraging industry among the Indians out of that appropriation was \$4,541.06. It was a fund made specifically reimbursable, and we learn by the report of the Secretary of the Interior that it has been reimbursed to the extent of \$150. Out of \$4,541.06 expended—

Mr. MILLER. Will the gentleman yield?

Mr. MANN. I am going to yield for an explanation. I have no doubt it is forthcoming—\$150 was returned. The gentleman from Wyoming very often referred to the fact that wherever we had made these appropriations and these expenditures that they were promptly reimbursed, so I thought I would call his attention to this official communication on the subject.

Mr. MILLER. The gentleman from Illinois is aware of the fact that these expenditures are loans that were made during the past year. Does the gentleman think it probable or likely or proper that they should be returned so soon as this?

Mr. MANN. I did not suppose they would all be returned, but the appropriation was made two years ago. I did not assume that a repayment of \$150, which does not begin to equal the interest on the investment, is a very large reimbursement of the appropriation.

Mr. MILLER. Would the gentleman expect when a loan is made for live stock that it will be repaid during the exact season in which the loan was made?

Mr. MANN. Certainly not; and it would not have to be paid during the exact season by any means. The appropriation was made for the fiscal year 1912, that is true, but it became available on the 1st day of July, 1911. I should suppose there would possibly be some of it reimbursed by this time. However, I simply call the attention of the gentleman, who is going to put in the Record a statement of how it has been reimbursed, to these facts. I would be glad to see those statements.

Mr. MONDELL. I would be very glad to read the gentleman some of those statements now if I had the time.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming has offered an amendment which is full of legislation and is

undoubtedly subject to the point of order. However, before making the point of order, which I intend to make, I want to say that, on line 8, page 6, there is an appropriation of \$300,000 to encourage agriculture among the Indians, which covers the point which the gentleman has referred to very completely.

Mr. MONDELL. Not reimbursable.

Mr. FERRIS. However, the item has already been agreed to so that even if the amendment was not subject to the point of order, I take it that it would not be the judgment of the committee to adopt the amendment. However, I make the point of order.

Mr. MONDELL. Will the gentleman yield for a moment? The item to which the gentleman has just referred is an appropriation chargeable to the people of the United States and no dollar of which is to be returned.

Mr. FERRIS. Undoubtedly, but the gentleman at great length and with considerable force urged as an original proposition that the Federal Government should not expend anything at all on the Indians.

Now, that policy is so well defined and so well recognized by everyone, that we must care for the indigent Indians all over the country, that the gentleman's argument must of necessity fail.

Mr. MONDELL. The gentleman from Oklahoma wants to be fair, and he generally is fair, but when he says I have argued at great length that we should not do much of anything for the Indians, he certainly misstates my position.

Mr. FERRIS. I did not mean to misinterpret the gentleman; but his argument is that we should not do anything for them from the Federal Treasury, which I intended to say to the gentleman.

Mr. MONDELL. On the contrary, so far as possible, we should teach the Indian that he must care for himself and, so far as he is able, to reimburse the Federal Government for its assistance.

Mr. FERRIS. And with what the gentleman says I am in accord to a large extent, but I have referred to the Indians all over the country which the Government must look after. Therefore, Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The Chair believes this provides for new and original legislation, and therefore the Chair sustains the point of order.

The Clerk read as follows:

That superintendents and acting superintendents in charge of Indian reservations, schools, irrigation and allotment projects are hereby authorized and empowered to administer the oath of office required of employees placed under their jurisdiction.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I regret that the gentleman from Illinois [Mr. MANN] did not have more time in which to address the committee on the interesting subject we had under discussion a moment ago, for in his discussion he only got far enough to refer to one reimbursable item, made available very recently, and he was unable by reason of the lapse of time to get down to the cases where reimbursable items were contained in an appropriation bill some time ago and where Indians have at times made repayments. For instance, as to the Tongue River item, which the gentleman had not time to refer to, although he has it before him, I find in that case the Indians have been repaying quite rapidly. I will place in the Record a statement of the Tongue River fund.

The statement is as follows:

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912.

Account No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or before June 30, 1916.
						Date.	Amount.	
1	George Americanhorse, Jr.	2 mares. 450 pounds potatoes.	June 24, 1911 May 11, 1911	\$150.00 8.19	\$158.19	Nov. 25, 1911 July 1, 1912 Oct. 25, 1911 Dec. 4, 1911	\$25.07 10.00 8.19 10.00	\$114.93
2	Walter Ant.	1 stallion.	May 26, 1911	175.00	175.00	Dec. 31, 1911 June 12, 1912	80.00 10.00	75.00
3	William Blackeagle.	200 pounds oats. 765 pounds potatoes.	May 9, 1911 June 10, 1911	4.36 14.18	18.54	Nov. 20, 1911 do.	4.36 14.18	
4	Thomas Blackwhiteman.	150 pounds potatoes.	June 1, 1911	2.52	2.52	Nov. 14, 1912	2.52	
5	Donald Brady.	500 pounds oats. 300 pounds potatoes.	May 1, 1911 May 3, 1911	7.50 5.47	12.97			12.97
6	George Brady.	1 sulky plow.	May 5, 1911	33.50	33.50	July 10, 1912 Oct. 31, 1912	5.00 28.50	
7	Robert Bearblack.	339 pounds oats.	June 1, 1911	8.37	8.37			8.37
8	Charles Bearcomesout.	351 pounds oats. 155 pounds potatoes.	do. July 5, 1911	7.89 3.08	10.97			10.97
9	Charles Bigback.	150 pounds potatoes—seed.	June 1, 1911	3.93	3.93	Sept. 2, 1912 June 15, 1911 Oct. 25, 1911	2.00 8.47 15.36	1.93
10	Hinton Bigleg.	1 stallion. 1,024 pounds oats. 600 pounds potatoes.	June 5, 1911 May 1, 1911 May 10, 1911	150.00 15.36 9.09	174.45	do. Dec. 10, 1911	9.09 5.00	136.53

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912—Continued.

Ac- count No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or be- fore June 30, 1916.
						Date.	Amount.	
11	William Bites.	1 mare.	Apr. 1, 1911	\$100.00	\$111.33			\$111.33
		755 pounds oats.	do.	11.33				
12	Ben Bixby.	1,025 pounds oats.	June 1, 1911	15.37	24.44	Aug. 31, 1912	\$15.37	
		630 pounds potatoes.	July 10, 1911	9.07		do.	9.07	
						Dec. 1, 1911	8.52	
		325 pounds oats.	June 15, 1911	8.52	335.23	do.	2.52	
		150 pounds potatoes.	do.	2.52		May 17, 1912	24.07	200.74
13	Arthur Blindman.	1 stallion.	July 15, 1911	100.00		Nov. 25, 1911	48.17	
		2 mares.	Apr. 28, 1911	200.00		Sept. 14, 1912	3.26	
		1 share in drill.	June 15, 1912	24.24		Nov. 25, 1911	23.25	
						July 10, 1912	33.26	
		1 set harness.	May 26, 1911	33.26				
14	John Buffalohorn.	226 pounds potatoes.	do.	4.23	47.61			
		150 pounds potatoes.	do.	2.52				
		450 pounds potatoes.	do.	7.60		Nov. 25, 1911	14.35	
15	Louis Blin-hawk.	1 stallion.	Apr. 24, 1911	100.00	105.01			105.01
		300 pounds potatoes.	June 15, 1911	5.01				
16	Elizabeth D. Burns.	1 stallion.	May 1, 1911	100.00	105.08	Aug. 6, 1912	14.08	55.02
		280 pounds potatoes.	June 10, 1911	5.08		Oct. 31, 1912	30.00	
						Aug. 6, 1912	5.08	
17	Andrew Callsfirst.	300 pounds potatoes.	June 9, 1911	5.47	5.47			5.47
18	Joseph Crazymule.	452 pounds oats.	June 1, 1911	11.16	11.16			11.16
19	Floyd Clubfoot.	100 pounds oats.	May 5, 1911	2.18	2.18			2.18
20	Floyd Clubfoot and William Swallow.	1 plow.	do.	39.88	53.90	Oct. 25, 1911	10.94	28.94
		255 pounds oats.	do.	6.62		do.	6.62	
		1 harrow.	do.	7.49		do.	7.40	
21	John Divesbackward.	150 pounds potatoes.	June 10, 1911	2.73	2.73			2.73
22	Albert Duster.	12 fruit trees.	Nov. 15, 1911	2.70	2.70	May 10, 1912	2.70	
23	Jacob Eaglefeathers.	392 pounds oats.	June 1, 1911	5.88	39.14	Oct. 26, 1911	5.88	
		1 set harness.	do.	33.26		do.	33.26	
24	Henry Elkshoulders.	550 pounds oats.	May 21, 1911	13.11	15.63			15.63
		150 pounds potatoes.	July 5, 1911	2.52				
		1 stallion.	May 2, 1911	100.00		Oct. 25, 1911	37.00	43.00
25	Alfred Fisher.	100 pounds oats.	July 1, 1911	1.50	143.19	do.	20.00	
		1 plow.	do.	33.50		do.	43.19	
26	Dick Fisher.	450 pounds potatoes.	do.	8.19	75.00			75.00
		1 mare.	May 1, 1911	75.00				
		1,277 pounds oats.	do.	19.16				
		3,076 pounds oats.	do.	57.52				
27	Eugene Fisher.	150 pounds potatoes.	do.	2.75	136.88	Dec. 31, 1911	33.50	103.38
		1 share in mower.	do.	13.50				
		1 seeder.	June 15, 1912	10.45				
		1 plow.	May 1, 1911	33.50	13.29			13.29
28	Edgar Fightingbear.	1 share in plow.	May 5, 1911	13.29				
29	John Crazymule.	340 pounds potatoes.	June 15, 1911	6.14	19.43	Oct. 30, 1912	6.14	
		1 share in plow.	May 5, 1911	13.29		Oct. 25, 1911	2.61	
30	Edward Gray.	156 pounds potatoes.	June 3, 1911	2.61	100.00	Nov. 25, 1911	47.00	53.00
		1 stallion.	do.	100.00		May 1, 1911	45.00	
		1 share in horse.	June 10, 1911	45.00	309.45	July 1, 1912	9.45	293.00
31	Arthur Ghostbull.	630 pounds oats.	May 1, 1911	9.45		Nov. 4, 1912	7.00	
		2 mares.	Aug. 8, 1912	300.00		Nov. 25, 1911	2.18	
32	Robert Hardground.	100 pounds oats.	May 5, 1911	2.18	41.53	do.	20.79	12.71
		1 plow.	do.	33.50		do.	5.85	
		1 harrow.	do.	5.85		July 1, 1912	9.21	
						Oct. 25, 1911	5.39	
33	William Harris.	1,035 pounds seed oats.	May 1, 1911	12.55	80.37	July 1, 1912	7.18	44.90
		750 pounds potatoes.	May 3, 1911	12.55		do.	3.57	
		1 grain drill.	Apr. 23, 1911	48.47		do.	10.12	
34	Henry Harris.	150 pounds potatoes.	May 11, 1911	1.64	1.64			1.64
35	Ed. Harris.	450 pounds potatoes.	May 3, 1911	4.92	67.15	July 10, 1912	4.92	
		1 reaper.	May 1, 1911	62.23		do.	62.23	
						June 12, 1912	21.20	
36	Charles Hart.	1 stallion.	June 12, 1911	150.00	201.87	July 1, 1912	16.00	112.80
		936 pounds oats.	May 1, 1911	14.04		Nov. 1, 1911	14.04	
		1 plow.	May 5, 1911	35.00		Oct. 25, 1911	35.00	
		300 pounds potatoes.	July 10, 1911	2.83		do.	2.83	
37	Floyd Highwalking.	450 pounds potatoes.	May 9, 1911	8.19	8.19	June 30, 1912	8.19	
38	Richard Hollowwood.	239 pounds oats.	May 1, 1911	5.37				
39	Thomas Horseroads.	155 pounds potatoes.	June 1, 1911	2.61	7.98			7.98
		750 pounds potatoes.	May 10, 1911	8.18	8.18			8.18
40	Hubert Hollowbreast.	350 pounds oats.	May 11, 1911	8.68				
		620 pounds potatoes.	June 15, 1911	12.27	32.12			32.12
41	Howlingcoyote.	1 share in plow.	May 5, 1911	11.17				
		112 pounds oats.	May 1, 1911	2.52	2.52			2.52
		2 mares.	do.	200.00		Dec. 1, 1911	9.65	
42	William Ironhand.	1 stallion.	do.	100.00	305.35	May 1, 1911	.35	290.00
		150 pounds potatoes.	May 11, 1911	2.75		Dec. 1, 1911	2.75	
		155 pounds potatoes.	June 5, 1911	2.60		do.	2.60	
43	Edward Killnight.	1 stallion.	Apr. 29, 1911	100.00	100.00	July 10, 1912	5.00	
						Sept. 30, 1912	8.00	
						Nov. 4, 1912	\$7.00	
44	Herman Kingfisher.	445 pounds oats.	May 1, 1911	10.01	15.00			15.00
		300 pounds oats.	June 10, 1911	4.99				
45	Frank Lightning.	1 stallion.	Apr. 25, 1911	100.00	100.00	Oct. 25, 1911	25.00	45.00
						Aug. 18, 1911	30.00	
46	Fred Limpy.	1,057 pounds oats.	May 1, 1911	18.50	20.02			20.02
		100 pounds potatoes.	June 10, 1911	1.52				
47	George Littlebear.	510 pounds oats.	May 1, 1911	7.65	12.55			12.55
		450 pounds potatoes.	May 10, 1911	4.90				
48	Paul Littlebear.	1 stallion.	June 1, 1911	200.00	244.90	Oct. 31, 1912	10.00	234.90
		750 pounds oats.	May 1, 1911	11.40				
		1 sulky plow.	May 5, 1911	33.50				
		354 pounds oats.	May 1, 1911	8.06		Oct. 25, 1911	8.06	
49	Pater Littlebird.	1 harrow.	do.	8.55	25.23	do.	8.55	1.00
		150 pounds potatoes.	June 10, 1911	2.50		do.	2.50	
		310 pounds potatoes.	June 15, 1911	6.12		do.	5.12	
		100 pounds oats.	Apr. 10, 1911	2.18				
50	Charles Little sun.	380 pounds oats.	May 1, 1911	5.70	41.38			41.38
		1 plow.	May 5, 1911	33.50				

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912—Continued.

Ac- count No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or be- fore June 30, 1916.
						Date.	Amount.	
51	Henry Littlewhiteman.	600 pounds potatoes.	May 10, 1911	\$6.54	\$6.54	Oct. 25, 1911	\$44.00	\$6.54
52	Littlewhiteman.	1 stallion.	June 15, 1911	100.00	105.27	Sept. 12, 1912	4.75	51.25
		150 pounds potatoes.	May 11, 1911	2.75		Oct. 25, 1912	2.52	
		do.	June 1, 1911	2.52		Oct. 25, 1911	2.75	
53	Laban Littlewolf.	1 plow.	May 5, 1911	35.00	50.13	do.	12.87	
		632 pounds oats.	May 1, 1911	9.48		May 30, 1912	22.13	
		600 pounds potatoes.	May 5, 1911	5.65		Oct. 25, 1911	9.48	
54	Robert Littlewolf.	3 geldings.	Apr. 25, 1911	300.00	311.50	Oct. 30, 1911	5.65	100.33
		767 pounds oats.	Apr. 1, 1911	11.50		Oct. 25, 1911	38.00	
						Dec. 20, 1911	161.67	
55	William Littlewolf.	592 pounds oats.	May 1, 1911	8.88	8.88	Oct. 25, 1911	11.50	8.88
		1 stallion.	Apr. 24, 1911	100.00	290.23	Oct. 25, 1911	4.00	139.47
		2 mares.	May 4, 1911	170.00		Nov. 21, 1912	126.53	
		250 pounds oats.	May 1, 1911	6.55		Oct. 25, 1911	6.55	
56	Charles Loneek.	112 pounds oats.	do.	2.77	290.23	do.	2.77	
		600 pounds potatoes.	do.	10.91		do.	10.91	
		1,360 pounds potatoes.	June 5, 1911	24.25		July 1, 1912	12.00	
57	George Longroach.	250 pounds oats.	May 21, 1911	6.08	24.25			12.25
58	William Medicinebear.	310 pounds potatoes.	May 1, 1911	6.13	6.08			6.08
		1 plow.	May 21, 1911	33.50	45.56	Nov. 25, 1911	6.13	4.78
		100 pounds oats.	do.	2.18		do.	33.50	
		250 pounds oats.	June 5, 1911	3.75		do.	1.15	
60	Mexican Manuel.	150 pounds potatoes.	May 11, 1911	2.75	2.75			2.75
61	Henry Playingbear.	575 pounds oats.	May 9, 1911	10.06	10.06	Oct. 31, 1912	10.06	
62	John Powderface.	523 pounds oats.	May 1, 1911	7.84	15.58			15.58
		300 pounds potatoes.	May 11, 1911	5.47				
		150 pounds potatoes.	June 10, 1911	2.27				
63	Mary Powell.	515 pounds potatoes.	Apr. 10, 1911	9.16	56.28	June 30, 1911	9.16	
		3,141 pounds oats.	Apr. 11, 1911	47.12		Oct. 25, 1911	47.12	
		340 pounds oats.	May 1, 1911	7.05				
64	William Redbird.	155 pounds potatoes.	June 5, 1911	2.60	2.60			2.60
65	Mary Redcherries.	300 pounds potatoes.	do.	5.01	21.76	Oct. 30, 1912	5.01	
66	Henry Redneck.	1 share of plow.	May 5, 1911	16.75		do.	16.75	
		do.	do.	16.75				
67	Paul Rednose.	350 pounds potatoes.	May 10, 1911	8.68	25.43			25.43
68	Fred Redrobe.	605 pounds potatoes.	May 11, 1911	10.80	10.80	Oct. 30, 1911	10.80	
		1 seeder, endgate.	do.	10.45	45.98	Oct. 25, 1911	16.89	10.45
		903 pounds oats.	do.	16.89		do.	13.64	
		750 pounds potatoes.	June 11, 1911	13.64		do.	5.00	
69	Robert Ridgewalker.	300 pounds potatoes.	May 11, 1911	5.00	12.68			12.68
		215 pounds oats.	Apr. 11, 1911	5.17				
		450 pounds potatoes.	June 5, 1911	7.51				
70	Hubert Risingfire.	1 stallion.	do.	150.00	266.51	Nov. 12, 1912	150.00	
		2,387 pounds oats.	do.	35.81		Nov. 25, 1911	5.81	
		904 pounds oats.	do.	22.33		Nov. 11, 1912	13.00	
71	Philip Risingsun.	150 pounds potatoes.	do.	2.73	266.51	Nov. 25, 1911	22.33	
		300 pounds potatoes.	do.	4.53		do.	2.73	
		1 share in drill.	do.	24.24		do.	26.87	
		17 fruit trees.	do.	1.50	25.37	do.	14.24	
		1 harrow.	do.	25.37		Nov. 11, 1912	10.00	
						do.	17.00	
72	Antoine Rondeau.	150 pounds potatoes.	June 10, 1911	6.80	6.80	Aug. 15, 1912	6.80	
73	William Rondeau.	750 pounds potatoes.	July 10, 1911	11.31	63.39	Nov. 25, 1911	11.31	
		1,024 pounds oats.	May 1, 1911	15.36		do.	1.36	
		1 plow.	Aug. 10, 1911	36.72		Aug. 12, 1912	14.00	
74	Fred Roundstone.	790 pounds oats.	May 1, 1911	19.52	64.39	Nov. 25, 1911	36.72	
		641 pounds oats.	do.	9.60		July 15, 1912	19.52	
		1,050 pounds potatoes.	June 10, 1911	9.91		do.	9.60	
		1 harrow.	Aug. 22, 1911	25.36	200.05	do.	9.91	189.84
		1 stallion.	May 1, 1911	150.00		do.	25.36	
		2,611 pounds oats.	do.	39.16		June 30, 1912	9.10	
75	Clay T. Rowland.	600 pounds potatoes.	May 10, 1911	10.89	229.12	Sept. 30, 1912	.32	
		1 plow.	Apr. 15, 1911	60.62		Oct. 31, 1912	.79	
		1 stallion.	Apr. 29, 1911	150.00		Oct. 25, 1911	6.50	
76	Willis T. Rowland.	1 share in mower.	May 27, 1911	13.50	88.37	do.	5.03	204.12
		300 pounds potatoes.	June 10, 1911	5.00		do.	13.50	
						Nov. 25, 1911	14.37	
77	Zac Rowland.	2,854 pounds oats.	May 1, 1911	53.37	289.30	July 1, 1912	10.00	29.00
		1 plow.	May 5, 1911	35.00		Nov. 25, 1911	35.00	
						do.	35.00	
78	William Russel.	1 stallion.	June 12, 1911	100.00	27.82	Dec. 20, 1911	31.25	27.82
		2 mares.	May 8, 1911	175.00		Nov. 25, 1911	14.30	
		630 pounds oats.	May 1, 1911	11.78		do.	5.00	
79	Otis Scabby.	150 pounds potatoes.	June 1, 1911	2.52	10.91	Sept. 12, 1912	3.75	10.91
		850 pounds oats.	Apr. 9, 1911	21.68				
		310 pounds potatoes.	July 15, 1911	6.14				
80	John Scalpcane.	600 pounds oats.	May 11, 1911	10.91	10.91			
81	Charles Scalpcane.	1 stallion.	June 12, 1912	150.00	152.52	Oct. 25, 1911	47.00	62.80
		150 pounds potatoes.	June 1, 1912	2.52		Mar. 13, 1912	30.20	
						May 15, 1912	10.00	
82	Mrs. Lucy Spang.	620 pounds potatoes.	May 10, 1911	11.26	38.44	Oct. 25, 1912	2.52	37.94
		1 harrow.	May 1, 1911	8.55		June 30, 1911	11.26	
		415 pounds potatoes.	May 10, 1912	4.52				
83	Alfonso Spang.	1 disk harrow.	Apr. 22, 1912	25.37	311.58	Aug. 26, 1912	.50	
						Nov. 25, 1911	5.24	
		200 pounds oats.	May 1, 1911	5.24		do.	7.20	
84	Eugene Standingelk.	2 horses.	May 25, 1911	250.00	311.58	do.	8.19	195.87
		1 harrow.	May 1, 1911	7.20		do.	1.60	
		450 pounds potatoes.	May 5, 1911	8.19		Oct. 25, 1911	37.35	
		20 fruit trees.	Oct. 15, 1911	1.60	25.48	Sept. 11, 1912	2.00	
		1 plow.	May 5, 1911	39.35		do.	13.00	
						Oct. 31, 1912	15.00	
85	John Standsintimber.	100 pounds oats.	do.	2.18	25.48	Nov. 4, 1911	26.13	25.48
		1 share in plow.	do.	13.30				
		600 pounds potatoes.	June 1, 1911	10.00				

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912—Continued.

Ac- count No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or be- fore June 30, 1916.
						Date.	Amount.	
86	William Swallow	600 pounds oats	Apr. 20, 1911	\$14.31	\$38.55	June 18, 1912	\$14.31	\$24.24
87	Jules Seminole	1 drill	June 7, 1912	24.24				2.27
		150 pounds potatoes	June 10, 1911	2.27				
88	Louis Seminole	1 stallion	May 2, 1911	100.00	100.00	Sept. 4, 1912	10.00	80.00
						Oct. 31, 1912	10.00	
						July 1, 1912	7.72	
89	Joseph Shell	515 pounds oats	May 1, 1911	7.72	43.95	do	2.73	20.95
		1 plow	May 5, 1911	33.50		do	7.55	
		150 pounds potatoes	May 11, 1911	2.73		Nov. 21, 1912	5.00	
						Jan. 31, 1912	112.50	
90	David Sweetmedicine	1 stallion	June 15, 1911	225.00	238.64	June 18, 1912	12.50	95.00
		750 pounds potatoes	May 9, 1911	13.64		July 1, 1912	5.00	
						Oct. 25, 1911	13.64	
91	John Smith	1,037 pounds oats	May 1, 1911	15.58	18.39			18.39
		300 pounds potatoes	June 10, 1911	2.83				
92	Thomas Sioux	1 stallion	Apr. 25, 1911	150.00	157.80	Nov. 25, 1911	17.00	133.00
		520 pounds oats	May 1, 1911	7.80		do	7.80	
93	Soldierwolf	150 pounds potatoes	June 1, 1911	2.52	2.52			2.52
94	Ben Shoulderblade	321 pounds oats	May 1, 1911	7.22	10.28			10.28
		155 pounds potatoes	June 15, 1911	3.06				
		1 mare	May 8, 1911	100.00				
		1 plow	Apr. 15, 1911	45.00	184.51			184.51
95	Charles Spotted elk	600 pounds potatoes	May 11, 1911	10.91				
		20 fruit trees	Nov. 15, 1911	1.60				
		1 mower	June 27, 1911	27.00	2.60	May 5, 1911	1.63	.97
96	Charles Spotted wolf	155 pounds potatoes	June 5, 1911	2.60				
		1 stallion	June 12, 1911	125.00	142.46			142.46
97	Patrick Spotted wolf	655 pounds oats	May 1, 1911	14.73				
		150 pounds potatoes	May 11, 1911	2.73				
						Nov. 25, 1911	25.00	
						Nov. 21, 1911	2.00	
98	John Sunroads	1 stallion	Apr. 24, 1911	100.00	100.00	Dec. 21, 1911	15.00	40.00
						Apr. 9, 1912	3.00	
						Sept. 17, 1912	5.00	
						Jan. 31, 1912	10.00	
						Nov. 25, 1911	19.07	
99	Charles Teeth	1,271 pounds oats	May 11, 1911	19.07	132.50	Oct. 31, 1912	5.00	103.00
		1 stallion	May 4, 1911	100.00		do	2.91	
		600 pounds potatoes	do	10.91		Nov. 25, 1911	2.52	
		150 pounds potatoes	June 1, 1911	2.52	150.00	Oct. 25, 1911	21.00	
		1 stallion	Apr. 28, 1911	150.00		do	25.00	
		2 mares	June 12, 1911	185.00		Sept. 4, 1912	3.01	
100	Austin Texas	1 share in drill	Apr. 23, 1912	24.23	372.06	Nov. 23, 1912	21.63	275.38
		500 pounds potatoes	May 9, 1911	10.91		July 1, 1911	13.23	
		150 pounds potatoes	June 1, 1911	2.52		Oct. 25, 1911	10.91	
						do	2.52	
101	Henry Twobulls	349 pounds oats	May 1, 1911	7.85	13.42	July 1, 1912	7.85	3.42
		150 pounds potatoes	June 5, 1911	2.51		do	2.15	
		155 pounds potatoes	June 15, 1911	3.06		Dec. 20, 1911	5.12	
						do	34.76	
102	Bert Twomoons	305 pounds potatoes	May 9, 1911	5.12	115.24	June 18, 1912	5.24	55.00
		1 stallion	Apr. 24, 1911	100.00		Oct. 31, 1912	5.00	
		280 pounds oats	May 1, 1911	4.20		Dec. 20, 1911	4.20	
		325 pounds potatoes	May 9, 1911	5.92	18.80	do	5.92	
103	Seth Walkingbird	628 pounds oats	May 1, 1911	11.74		Aug. 30, 1912	8.00	10.80
		750 pounds potatoes	June 10, 1911	7.06	14.10			14.10
104	John Walkinghorse	401 pounds oats	June 15, 1911	11.04				
105	Richard Walkslast	155 pounds potatoes	May 1, 1911	3.06	10.89	June 30, 1911	10.89	
		600 pounds potatoes	May 10, 1911	10.89		Nov. 25, 1911	6.75	
		1 stallion	June 15, 1911	275.00	309.63	do	8.68	205.00
106	William Wanderingmedicine	1 share in plow	May 5, 1911	16.75		do	9.20	
		350 pounds oats	June 15, 1911	8.68		June 18, 1912	10.00	
		465 pounds potatoes	do	9.20		do	70.00	
						Oct. 25, 1911	7.20	
107	Bird Wildhog	1 harrow	May 1, 1911	7.20	25.84	do	13.64	
		750 pounds potatoes	do	13.64		do	4.00	
		300 pounds potatoes	do	5.00		June 30, 1912	1.00	
108	George Whitebird	100 pounds oats	do	2.62	2.62			2.62
109	Charles Whitecrane	227 pounds oats	do	5.10	7.64			7.64
		152 pounds potatoes	June 11, 1911	2.54				
						Nov. 25, 1911	10.00	
110	Arthur Whitedirt	1 stallion	Apr. 24, 1911	100.00	121.29	Nov. 24, 1911	2.00	79.00
		500 pounds oats	May 1, 1911	13.10		do	13.10	
		450 pounds potatoes	May 11, 1911	8.19		do	8.19	
						May 23, 1912	8.00	
111	Ernest Mexicancheyenne	155 pounds potatoes	June 5, 1911	2.60	2.60	June 30, 1912	2.60	
112	James Whitepowder	420 pounds oats	May 1, 1911	7.85	7.85	July 1, 1912	4.00	3.85
113	Paul Wolfname	500 pounds oats	do	7.50	7.50			7.50
						Nov. 25, 1911	9.38	
114	Mack Wolfroads	625 pounds oats	do	9.38	312.21	do	56.76	223.24
		1 stallion	May 2, 1911	300.00		Nov. 21, 1912	20.00	
		300 pounds potatoes	June 10, 1911	2.83		Nov. 25, 1911	2.83	
115	Richard Woodenleg	347 pounds oats	May 1, 1911	7.81	8.56	Sept. 14, 1912	2.84	4.97
116	Hugh Woodenthigh	1 harrow	do	8.56				8.56
		1 stallion	June 15, 1911	125.00	281.87	Dec. 4, 1911	.65	271.87
117	Ford Woundedeye	2 mares	May 4, 1911	145.00		do	9.35	
		150 pounds potatoes	May 1, 1911	2.52				
		500 pounds oats	June 1, 1911	9.35	115.80	Nov. 25, 1911	34.00	66.00
118	Abram Yelloweyes	1 stallion	June 12, 1911	100.00		do	10.21	
		454 pounds oats	May 1, 1911	10.21		do	2.52	
		150 pounds potatoes	June 5, 1911	2.52	100.00	do	3.07	100.00
119	Wilbur Yelloweyes	155 pounds potatoes	June 15, 1911	3.07		do		
		1 stallion	Apr. 24, 1911	100.00	113.80			113.80
120	William Yellowrobe	do	do	100.00				
		200 pounds oats	May 1, 1911	5.24	35.69	Nov. 25, 1911	19.94	5.00
121	James Youngbird	1 harrow	do	8.56		do	.43	
		1 share in plow	May 11, 1911	19.94		do	10.32	
		225 pounds oats	do	5.43				
		1 share grain drill	May 5, 1911	10.32				

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912—Continued.

Ac- count No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or be- fore June 30, 1916.
						Date.	Amount.	
122	Beans Youngbird	1 share in plow	Apr. 4, 1911	\$19.94				
		1 share in grain drill	May 5, 1911	10.32	\$38.95			\$38.95
123	Youngwolfetooth	350 pounds oats	Apr. 25, 1911	8.69				
		1 gelding	June 22, 1911	125.00	125.00	Sept. 19, 1912	\$15.50	109.50
124	Young Woodpecker	1 share grain drill	May 21, 1912	24.23		Feb. 10, 1912	25.37	
		1 disk harrow	Aug. 22, 1911	25.37	184.35	Nov. 1, 1912	25.94	109.29
		1 stallion	June 12, 1911	125.00		Nov. 21, 1912	19.12	
125	James Braidedlocks	650 pounds oats	May 1, 1911	9.75		do	4.63	
		300 pounds potatoes	May 10, 1911	5.45	5.45			5.45
126	David Littleoldman	350 pounds oats	Apr. 20, 1911	8.68				
		1 share grain drill	June 7, 1912	24.24	199.74	June 18, 1912	8.68	191.06
		1 blacksmithing outfit	Aug. 9, 1912	166.82				
127	Robert Yellowfox	1 stallion	Apr. 24, 1911	100.00		Apr. 27, 1911	100.00	
		300 pounds potatoes	May 9, 1911	5.47	107.99	Oct. 25, 1911	5.47	
128	John Yellowhorse	150 pounds potatoes	June 1, 1911	2.52		do	2.52	
129	Charles Youngbear	do	June 1, 1911	2.52	2.52	do	2.52	
130	Nellie Blackwolf	280 pounds oats	May 1, 1911	6.30	6.30	do	6.30	
131	John Badger	1 drill	Apr. 20, 1911	48.47	48.47	May 14, 1911	23.47	25.00
132	Isaac Blackbird	450 pounds potatoes	June 5, 1911	7.51	7.51	Oct. 25, 1911	7.51	
		448 pounds oats	May 1, 1911	8.38	8.38	do	8.38	
133	Charles Blackstone	452 pounds potatoes	May 3, 1911	8.23		do	8.23	
		30 pounds potatoes	June 1, 1911	.52	53.75	do	.52	
134	Clara Blackmedicine	1 sulky plow	Apr. 15, 1912	45.10		do	45.00	
		450 pounds seed potatoes	June 12, 1911	7.54	7.54	Nov. 25, 1911	7.54	
		189 pounds oats	May 1, 1911	13.34		do	13.34	
135	Paul Blackree	300 pounds potatoes	May 10, 1911	5.45	327.35	do	5.45	300.00
		1 harrow	May 1, 1911	8.56		do	8.56	
136	John Blackwolf	2 mares	Aug. 8, 1912	300.00				
137	William Braidedlocks	450 pounds potatoes	May 3, 1911	8.19	8.19	Nov. 25, 1911	8.19	
		200 pounds oats	May 1, 1911	3.90	3.90	Oct. 25, 1911	3.90	
		1 stallion	June 1, 1911	200.00		Nov. 25, 1911	200.00	
138	Benjamin Bearchum	780 pounds oats	May 1, 1911	11.70	223.80	do	11.70	
		450 pounds potatoes	Sept. 1, 1911	4.90		do	4.90	
		1 harrow	May 1, 1911	7.20		do	7.20	
139	Edward Bearquiver	885 pounds oats	do	13.20	13.20	Oct. 25, 1911	13.20	
140	Thomas Beaverheart	1,037 pounds oats	do	15.56	18.16	do	15.56	
		155 pounds potatoes	do	2.60		do	2.60	
141	August Bigbeaver	150 pounds potatoes	June 1, 1911	2.52	2.52	do	2.52	
142	Benjamin Bigheadman	155 pounds potatoes	June 15, 1911	3.08	5.82	do	3.08	
		122 pounds oats	May 1, 1911	2.74		Nov. 25, 1911	2.74	
143	James Bignose	105 pounds oats	do	2.75		do	2.75	
		150 pounds potatoes	May 9, 1911	2.73	14.04	do	2.73	
		1 harrow	May 1, 1911	8.56		do	8.56	
144	William Bixby	365 pounds oats	do	5.93	10.17	Oct. 25, 1911	5.93	
145	Thomas Bobtailhorse	450 pounds potatoes	June 10, 1911	4.24		do	4.24	
146	David Boxelder	300 pounds potatoes	do	4.99	4.99	Nov. 25, 1911	4.99	
		350 pounds oats	May 11, 1911	8.68	32.12	do	8.68	
147	Joseph Brownbird	1 share in plow	May 5, 1911	11.17		do	11.17	
148	Martin Bullshead	155 pounds potatoes	June 15, 1911	3.06	3.06	Oct. 25, 1911	3.06	
149	Fred Calf	150 pounds oats	May 1, 1911	3.93	3.93	Nov. 25, 1911	3.93	
150	Charles Crawling	326 pounds oats	do	7.33	7.33	Oct. 25, 1911	7.33	
151	William Crazyhead	310 pounds potatoes	June 15, 1911	6.13	6.12	do	6.13	
152	Samuel Curly	600 pounds potatoes	May 9, 1911	10.91	10.91	do	10.91	
153	Nicholsa Crookednose	1 sulky plow	June 20, 1911	33.50	33.50	Nov. 25, 1911	33.50	
		200 pounds oats	May 1, 1911	5.24	13.79	do	5.24	
154	John Clubfoot	1 harrow	do	8.55		do	8.55	
155	M. G. Eastman	300 pounds oats	Apr. 19, 1911	7.80	7.80	do	7.80	
		1,036 pounds oats	May 1, 1911	15.54	20.07	do	15.54	
156	Thomas Elksshoulders	300 pounds potatoes	June 10, 1911	4.53		do	4.53	
		450 pounds oats	Apr. 21, 1911	10.87	17.01	Oct. 25, 1911	10.87	
157	Peter Firecrow	310 pounds potatoes	June 15, 1911	6.14		do	6.14	
158	Floyd Fisher	225 pounds oats	May 1, 1911	5.06	5.06	Nov. 25, 1911	5.06	
159	Hubert Grasshopper	125 pounds oats	May 15, 1911	3.25	3.25	do	3.25	
160	Colonel Hardrobe	770 pounds oats	May 1, 1911	11.55	11.55	Dec. 23, 1911	11.55	
161	Henry Hairyhand	155 pounds potatoes	June 5, 1911	2.60	2.60	Oct. 25, 1911	2.60	
162	Charles Headswift	150 pounds potatoes	May 11, 1911	2.73		do	2.73	
163	John Highbear	do	June 1, 1911	2.52	5.25	do	5.25	
164	Albert Howlingantelope	350 pounds oats	Apr. 20, 1911	8.68	8.68	do	8.68	
165	John Issues	300 pounds potatoes	June 10, 1911	2.83	2.83	do	2.83	
166	Hugh Killnight	155 pounds potatoes	June 15, 1911	3.07	3.07	do	3.07	
167	Nancy Killsonotop	150 pounds potatoes	June 1, 1911	2.52	2.52	do	2.52	
168	Vistor Littlechief	475 pounds oats	May 1, 1911	10.68	10.68	do	10.68	
		1 stallion	May 2, 1911	100.00	100.00	Apr. 2, 1911	100.00	
169	Henry Littlecoyote	880 pounds oats	May 1, 1911	13.20	15.93	Oct. 25, 1911	13.20	
		150 pounds potatoes	May 11, 1911	2.73		do	2.73	
		300 pounds potatoes	do	5.47		do	5.47	
170	Charles Littleeagle	486 pounds oats	May 1, 1911	10.93	19.46	Nov. 25, 1911	10.93	
171	Charles Littlemouth	155 pounds potatoes	June 15, 1911	3.06		do	3.06	
172	Arthur Brady	356 pounds oats	May 1, 1911	8.01		Oct. 25, 1911	8.01	
173	David Littlewhiteman	300 pounds potatoes	June 5, 1911	5.01	13.02	do	5.01	
174	Frank Littlewolf	155 pounds potatoes	May 3, 1911	2.84	2.84	Nov. 25, 1911	2.84	
175	Littleyellowman	315 pounds oats	May 1, 1911	5.89		Dec. 21, 1911	5.89	
176	William Lonewolf	450 pounds potatoes	May 10, 1911	8.17	14.06	do	8.17	
		100 pounds oats	May 1, 1911	6.92	6.92	Nov. 25, 1911	6.92	
177	Lonetravelingwolf	450 pounds potatoes	May 9, 1911	8.19	8.19	do	8.19	
		35 fruit trees	Apr. 22, 1912	2.18	8.31	Oct. 25, 1911	2.18	
		1,400 pounds oats	June 15, 1911	6.13	2.73	do	6.13	
178	Fred Longroach	150 pounds potatoes	May 11, 1911	2.73		do	2.73	
		450 pounds oats	Apr. 15, 1912	3.75	32.92	Nov. 25, 1911	3.75	
179	George Lostleg	1,400 pounds oats	May 1, 1911	21.00		do	21.00	
180	Louis Magpie	450 pounds potatoes	May 10, 1911	8.17		do	8.17	
181	Robert Manbear	125 pounds oats	Apr. 9, 1911	3.25	10.74	do	3.25	
182	Sampson Medicine	450 pounds potatoes	June 10, 1911	7.49		Dec. 6, 1911	7.49	
183	Harold Medicineek	325 pounds oats	May 19, 1911	7.61	12.62	do	7.61	
		300 pounds potatoes	June 5, 1911	5.01	12.56	Oct. 25, 1911	5.01	
		750 pounds potatoes	do	12.56		do	12.56	
		420 pounds oats	May 1, 1911	7.85	13.30	do	7.85	
		300 pounds potatoes	May 10, 1911	5.45		do	5.45	
		do	May 9, 1911	5.47	7.99	do	5.47	
		150 pounds potatoes	June 1, 1911	2.52		do	2.52	
		300 pounds potatoes	May 9, 1911	5.47	5.47	do	5.47	

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912—Continued.

Ac- count No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or be- fore June 30, 1916.
						Date.	Amount.	
184	John Medicinefly	130 pounds oats..... 440 pounds oats..... 300 pounds potatoes..... 1 share in plow..... 100 pounds oats.....	May 1, 1911 May 9, 1911 June 5, 1911 Apr. 9, 1911 June 5, 1911	\$1.95 11.15 5.01 11.16 2.18	\$29.27	Oct. 25, 1911 do. do. do. do.	\$1.95 11.15 5.01 11.16 2.18	
185	James Medicinetop	300 pounds potatoes..... 465 pounds potatoes.....	Apr. 15, 1911 May 16, 1911	5.00 9.19	16.37	do. do.	5.00 9.19	
186	Marion Mexicancheyenne	300 pounds potatoes.....	May 9, 1911	5.47	5.47	do.	5.47	
187	Arthur Prairiebear	150 pounds potatoes..... do.	May 11, 1911 June 1, 1911	2.73 2.61	5.34	Nov. 25, 1911 do.	2.73 2.61	
188	Daniel Oldbull	400 pounds oats..... 300 pounds potatoes.....	May 19, 1911 June 10, 1911	9.98 4.99	14.97	Oct. 25, 1911 do.	9.98 4.99	
189	Vincent Oldbear	150 pounds potatoes.....	May 3, 1911	2.75	2.75	Nov. 25, 1911	2.75	
190	Charles Pawnee	200 pounds oats..... 155 pounds potatoes.....	Apr. 12, 1911 May 5, 1911	3.51 2.61	6.12	Oct. 25, 1911 do.	3.51 2.61	
191	Frank Pine	255 pounds oats..... 1 mower.....	May 1, 1911 June 3, 1911	8.83 27.00	30.83	Feb. 13, 1912 do.	8.83 27.00	
192	Albert Porcupine	600 pounds potatoes..... 2 mares.....	May 11, 1911 Aug. 8, 1911	10.91 350.00	360.91	Nov. 26, 1911 Oct. 31, 1912	10.91 14.86	\$335.14
193	Frank Whitewolf	332 pounds oats..... 300 pounds potatoes.....	May 1, 1911 June 10, 1911	7.47 4.99	12.46	Oct. 25, 1911 do.	7.47 4.99	
194	John Redbeads	478 pounds oats..... 155 pounds potatoes.....	May 1, 1911 June 15, 1911	10.75 3.07	13.82	Oct. 24, 1911 do.	10.75 3.07	
195	Charles Redbreath	356 pounds oats..... 155 pounds potatoes.....	May 1, 1911 do.	8.01 3.18	11.19	Nov. 25, 1911 do.	8.01 3.18	
196	William Redcherries	500 pounds oats..... 310 pounds potatoes.....	do. do.	13.10 5.21	26.87	do. do.	13.10 5.21	
197	James Redfox	1 harrow..... 430 pounds oats.....	do. June 5, 1911	8.56 5.01	16.28	do. do.	8.56 5.01	
198	William Redfox	2 geldings..... 634 pounds oats.....	Apr. 28, 1911 May 1, 1911	325.00 9.51	334.51	June 31, 1911 Mar. 15, 1912	325.00 9.51	
199	Zac Ridgebear	200 pounds oats..... 300 pounds potatoes..... 150 pounds potatoes..... 1 harrow..... 2 mares.....	do. May 3, 1911 June 1, 1911 May 3, 1911 Aug. 8, 1911	5.24 2.52 7.20 200.00	220.43	Oct. 25, 1911 do. do. do.	5.24 2.52 7.20	200.00
200	William Wolfname	525 pounds oats..... 600 pounds potatoes.....	May 1, 1911 May 3, 1911	9.82 10.91	20.73	do. do.	9.82 10.91	
201	Louis Romannose	150 pounds potatoes.....	May 10, 1911	2.73	5.33	do.	2.73	
202	John Rondeau	155 pounds potatoes.....	June 5, 1911	2.60	8.19	do.	2.60	
203	John Sanderane	450 pounds potatoes.....	May 11, 1911	8.19	20.96	Nov. 25, 1911	8.19	
204	George Shavedhead	350 pounds oats.....	Apr. 20, 1911	8.69	12.27	do.	8.69	
205	Bob Standing elk	620 pounds potatoes.....	June 15, 1911	12.27	8.19	Oct. 25, 1911	12.27	
206	James Starvingbear	450 pounds potatoes.....	May 3, 1911	8.19	2.18	do.	8.19	
207	John Strangeowl	100 pounds oats..... 300 pounds potatoes.....	Apr. 18, 1911 May 11, 1911	2.18 5.47	7.99	do. do.	2.18 5.47	
208	Harshey Wolfchief	150 pounds potatoes..... 776 pounds oats.....	June 1, 1911 May 1, 1911	2.52 11.64	21.41	do. do.	2.52 11.64	
209	Tom Seminoe	7 apple trees..... 600 pounds potatoes.....	Apr. 15, 1911 June 10, 1911	70 9.07	11.08	do. do.	70 9.07	
210	John Squinteye	1 harrow..... 150 pounds potatoes.....	May 1, 1911 June 1, 1911	8.56 2.52	318.10	do. do.	8.56 2.52	
211	Spottedblackbird	500 pounds potatoes..... 300 pounds potatoes..... 2 mares.....	May 1, 1911 June 5, 1911 Aug. 8, 1912	13.10 5.00 300.00	318.10	do. do.	13.10 5.00	210.00
212	Hugh Spottedhawk	1 stallion..... 450 pounds potatoes.....	Aug. 24, 1911 May 3, 1911	100.00 8.18	127.60	Sept. 18, 1912 Oct. 31, 1912	20.00 70.00	
213	Anna Spottedwolf	1,295 pounds oats..... do.	do. May 5, 1911	19.42 16.75	32.94	Dec. 26, 1911 Mar. 6, 1912	60.68 39.32	
214	Mary Stronglethand	1 share in plow..... 255 pounds oats.....	do. Apr. 16, 1912	8.37 6.20	23.08	June 30, 1911 do.	8.18 19.42	
215	John Sunbear	600 pounds potatoes..... 459 pounds oats.....	June 5, 1911 May 1, 1911	9.99 10.32	23.08	Oct. 25, 1911 June 24, 1911	16.75 1.63	
216	Frank Stumphorn	300 pounds potatoes..... 1 share in plow.....	June 10, 1911 May 5, 1911	4.99 8.37	23.08	Oct. 25, 1911 June 24, 1911	3.36 8.37	
217	Jacob Tallbull	1 share in plow..... 300 pounds potatoes.....	do. Apr. 9, 1911	8.37 5.47	13.84	May 5, 1911 Oct. 25, 1911	8.37 5.47	
218	Tallwhiteman	152 pounds potatoes.....	June 10, 1911	2.54	8.68	do.	2.54	
219	John Teeth	310 pounds potatoes.....	June 15, 1911	6.14	5.27	do.	6.14	
220	John Twobirds	150 pounds potatoes..... do.	May 11, 1911 June 1, 1911	2.75 2.52	5.27	do. do.	2.75 2.52	
221	Louis Twin	600 pounds potatoes.....	May 11, 1911	10.91	10.91	Nov. 25, 1911	10.91	
222	Peter Twobirds	155 pounds potatoes.....	June 10, 1911	2.59	3.07	do.	2.59	
223	John Twofeathers	150 pounds potatoes.....	June 15, 1911	3.07	2.52	Mar. 6, 1912	3.07	
224	John Turkeylegs	12 plow..... 642 pounds oats.....	May 1, 1911 May 1, 1911	37.85 9.63	37.85	Dec. 22, 1911 Oct. 25, 1911	37.85 9.63	
225	Charles Walkingbear	600 pounds potatoes..... 160 pounds potatoes.....	June 10, 1911 June 5, 1911	5.65 2.68	15.28	do. do.	5.65 2.68	
226	David Walkseasy	80 pounds potatoes..... do.	June 15, 1911 May 1, 1911	1.58 30.00	4.26	do. May 1, 1911	1.58 30.00	
227	Dick Walkslast	1 plow..... 400 pounds oats.....	Apr. 15, 1911 May 1, 1911	60.61 6.00	248.53	Nov. 20, 1911 Oct. 25, 1911	19.00 11.61	
228	Adolph Walksnice	450 pounds potatoes..... 1 mower..... 1 stallion.....	May 9, 1911 June 27, 1911 June 12, 1911	4.92 27.00 150.00	248.53	Oct. 1, 1911 Oct. 25, 1911 do.	27.00 6.00 4.92	
229	Frank Water	450 pounds potatoes.....	June 10, 1911	4.24	4.24	Dec. 20, 1911	4.24	
230	Thomas Wrappedhair	900 pounds potatoes..... do.	do. May 5, 1911	8.47 8.38	8.47	Oct. 25, 1911 Apr. 4, 1911	8.47 8.38	
231	John Twomoons	Share in plow..... 300 pounds oats.....	May 1, 1911 June 10, 1911	7.27 4.99	20.64	do. Oct. 25, 1911	1.62 5.65	
232	Dick Walkslast	300 pounds potatoes.....	do.	4.99	13.87	do.	4.99	
233	Adolph Walksnice	344 pounds oats..... 310 pounds potatoes.....	May 1, 1911 June 15, 1911	7.74 6.13	13.87	do.	7.74 6.13	
234	Frank Water	200 pounds oats..... 152 pounds potatoes.....	Apr. 29, 1911 June 10, 1911	4.78 2.54	7.32	do.	4.78 2.54	
235	Thomas Wrappedhair	512 pounds oats..... 300 pounds potatoes.....	May 1, 1911 June 10, 1911	7.68 4.53	12.21	Nov. 25, 1911 do.	7.68 4.53	
236	Thomas Wrappedhair	150 pounds potatoes.....	May 9, 1911	2.73	2.73	Oct. 25, 1911	2.73	

Report of "Purchase of implements, etc., for Indians of Tongue River Reservation, Mont. (reimbursable)," as of date Nov. 30, 1912—Continued.

Ac- count No.	Beneficiary.	Articles.	Date of purchase.	Item cost.	Total cost.	Payments.		Balance due by beneficiary on or be- fore June 30, 1916.
						Date.	Amount.	
232	Frank Weaselbear	350 pounds oats	May 1, 1911	\$8.68	\$16.75	Oct. 25, 1911	\$8.68	
		300 pounds potatoes	June 5, 1911	5.00		do.	5.00	
		155 pounds potatoes	June 15, 1911	3.07		do.	3.07	
233	Edward Womanleggins	1 plow	May 5, 1911	33.50	38.03	Nov. 26, 1911	33.50	
		300 pounds potatoes	June 10, 1911	4.53		Nov. 25, 1911	4.53	
		1 mare	May 4, 1911	85.00		Dec. 31, 1911	85.00	
234	Charles Whistlingelk	630 pounds oats	May 1, 1911	11.78	102.25	do.	11.78	
		300 pounds potatoes	May 9, 1911	5.47		do.	5.47	
		675 pounds oats	May 1, 1911	15.18		Oct. 25, 1911	15.18	
236	John Whitebuffalo	1 stallion	May 24, 1911	100.00	112.31	do.	10.00	
		220 pounds oats	May 1, 1911	4.12		do.	4.12	
		450 pounds potatoes	May 11, 1911	8.19		Dec. 26, 1911	8.19	
237	Jules Whiteelk	1 gelding	May 1, 1911	100.00	100.00	May 1, 1911	100.00	
		322 pounds oats	do.	7.24		Oct. 25, 1911	7.24	
238	Benjamin Whitehawk	155 pounds potatoes	June 5, 1911	2.60	12.90	do.	2.60	
		do.	June 15, 1911	3.06		do.	3.06	
		do.	June 1, 1911	2.61		do.	2.61	
239	George Whitemoon	do.	June 1, 1911	2.61	20.31	May 5, 1911	10.00	
240	Martin Whiteshield	1 share in plow	May 5, 1911	12.73		Oct. 25, 1911	2.73	
		210 pounds oats	May 1, 1911	4.52		do.	4.52	
		155 pounds potatoes	June 15, 1911	3.06		do.	3.06	
241	Charles Blackcrane	1 stallion	Aug. 8, 1912	150.00	150.00	Oct. 31, 1912	70.00	\$80.00
242	John Chubby	1 team mares	do.	300.00	300.00	Aug. 22, 1912	6.14	293.86
243	Littlehead	do.	do.	300.00	300.00	Nov. 4, 1912	198.26	101.74
244	Samuel Littlesun	do.	do.	300.00	300.00			300.00
245	Stanley Littlewhiteman	do.	do.	300.00	300.00	Aug. 9, 1912	2.50	297.50
246	Looksbehind	do.	do.	300.00	300.00			300.00
247	William Sweetmedicine	do.	do.	300.00	300.00			300.00
248	Whitehawk	do.	do.	300.00	300.00			300.00
249	Dallas Wol black	do.	do.	300.00	300.00			300.00
	White persons ¹	7,126 pounds potatoes		67.69	67.69		67.69	
	Total			2,617.69	2,617.69		344.59	2,273.10
27	Eugene Fisher	2 mares	Nov. 15, 1912	160.00	160.00			160.00
49	Peter Littlebird	do.	do.	80.00	80.00			80.00
56	Charles Loneelk	4 mares	do.	95.00	95.00			95.00
61	Henry Playingbear	1 mare	Oct. 30, 1912	150.00	150.00			150.00
76	William Rowland	3 mares	Nov. 15, 1912	65.00	65.00			65.00
77	Zac Rowland	8 mares	do.	215.00	215.00			215.00
78	William Russel	5 mares	do.	120.00	120.00			120.00
97	Patrick Spottedwolf	4 mares	do.	80.00	80.00			80.00
147	Joseph Brownbird	2 mares	do.	160.00	160.00			160.00
174	Frank Littlewolf	do.	do.	160.00	160.00			160.00
220	John Teeth	do.	do.	160.00	160.00			160.00
250	John Soldierwolf	do.	do.	160.00	160.00			160.00
251	James Dealy	1 mare	do.	40.00	40.00			40.00
	Total			1,645.00	1,645.00			1,645.00

¹ These sales represent the residue of a carload of potatoes purchased for seed. After supplying our Indians with the seeds they required this quantity remained unsold, and, to prevent loss through deterioration, the potatoes were disposed of to white residents at the agency.

RECAPITULATION.

	Total number of accounts.	Item cost.	Total cost.	Amount of payments.	Balance due by beneficiary on or before June 30, 1916.
Page 1	12	\$734.21	\$734.21	\$262.18	\$472.03
Page 2	12	725.89	725.89	299.01	426.88
Page 3	12	1,237.41	1,237.41	484.69	752.72
Page 4	14	923.42	923.42	212.77	710.65
Page 5	16	965.12	965.12	606.96	358.16
Page 6	10	1,013.52	1,013.52	542.00	471.52
Page 7	12	1,052.08	1,052.08	363.80	688.28
Page 8	10	989.70	989.70	259.57	730.13
Page 9	10	890.84	890.84	316.99	573.84
Page 10	12	1,114.98	1,114.98	231.19	883.79
Page 11	8	670.30	670.30	216.05	454.25
Page 12	16	789.91	789.91	464.91	325.00
Page 13	24	327.43	327.43	327.43	
Page 14	21	249.77	249.77	249.77	
Page 15	16	1,091.45	1,091.45	556.31	535.14
Page 16	17	866.20	866.20	656.20	210.00
Page 17	18	489.82	489.82	489.82	
Page 18	10	2,617.69	2,617.69	344.59	2,273.10
Page 19	13	1,645.00	1,645.00		1,645.00
Total		18,394.74	18,394.74	6,884.15	11,510.59

SUMMARY.

Original amount appropriation	\$1,500.00
Collections from beneficiaries	6,884.15
Total sales to beneficiaries	18,394.74
Reimbursable property on hand	1,342.58
Unhypothecated balance	2,146.83
Total available to date	21,884.15
Total sales	18,394.74
Cash payments	6,884.15
Balance due by beneficiaries	11,510.59

Mr. MONDELL. The gentleman from Oklahoma [Mr. FERRIS] proposes going on forever appropriating for these people out of the funds of the people of the country generally without any hope of any return or without regard to its necessarily disastrous effect upon the character and dignity of the Indians rather than to appropriate for a loan which the Indian has shown he desires to make and is anxious to return.

Mr. FERRIS. Will the gentleman yield? Will the gentleman observe that the paragraph over which he is exhorting does not carry a penny of appropriation? It merely authorizes the head of an irrigation project to administer oaths to employees in order to save notary fees.

Mr. MONDELL. I thought the gentleman had been here long enough to know that sometimes we debate all sorts of matters on a pro forma amendment.

Mr. FERRIS. I hope the gentleman will debate the paragraph under consideration.

Mr. MONDELL. But I am debating an important matter. At least, it ought to be an important matter, with a Democratic majority with its claim of proposed economy. I want you gentlemen to economize and save the money of the people. At the same time I desire to assist in retaining self-respect among the Indians. The way to do it is not to appropriate for them without stint or limit, to throw the people's money among them as a drunken sailor scatters his dollars, but to do a banking business with the wards of the Government and thereby teach them habits of business, teach them the importance of their obligations to the Government and their obligations to their fellow men, and give them a chance in life without making paupers of them.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MANN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] says I did not refer to the appropriation for encouraging industry among the Indians of the Tongue River Reservation, Mont. It is true that when the gavel of the Chairman fell I had not yet reached that report. I think I can add even a little to the information furnished by the gentleman from Wyoming on that subject. There an appropriation was made for a specific reservation, and during the last fiscal year the total amount loaned to the Indians was \$4,292.02, and the amount that was repaid by the Indians was \$4,174.55. Nearly the entire amount was reimbursed. The appropriation was made specifically. But I did call attention to the general item, to the appropriation encouraging industry among the Indians, reimbursable, where, out of an expenditure of \$4,500, the large sum of \$150 had been reimbursed during the same fiscal year, and I mentioned the fact that where the specific appropriation was made, \$4,175 was reimbursed out of \$4,292.

The gentleman proposed not only a general appropriation, reimbursable, not specific in its location, but leaving it arbitrarily to the department for the next 10 years to do as it pleased, without any accounting practically to the Government, and without any appropriation made by Congress hereafter.

Mr. MONDELL. Well, the gentleman does admit that, where specific loans of funds are provided, at least in the one case referred to the Indians have met their obligations promptly and under all the circumstances to a very much greater extent than we could have anticipated.

Mr. MANN. I do not know how much we could have anticipated. I have no doubt that most of the money that could be expended in this way would be reimbursed if it were required to be reimbursed or if it is required to be reimbursed. I doubt if it would be reimbursed very rapidly if an appropriation of money were simply left in the hands of the department to expend as they please, without being appropriated for every year, where they had control of it and did as they pleased about it.

Mr. HILL. Mr. Chairman, I just came in and listened with much interest to the remarks of the gentleman from Wyoming [Mr. MONDELL], and I cordially agree with him in his efforts to assist this Democratic House in its principles of economy, and especially in his enthusiastic and vigorous efforts to assist in preventing a deficiency in the next House, with a still larger and greater majority. It reminded me of an incident that occurred on Monday, when I came down here. I had just come into the Pennsylvania Railroad station and I met in the café a chauffeur who had come in to buy a piece of pie, and, as he turned around to go out, I said to him, courteously and pleasantly, "Is not this a beautiful day?" He said, "It is a damned fine day, thanks be to God for it." I looked at him a moment, and I said, "Would you say just that if it had rained all

day?" He looked up at me and said, "I think I could, but not with the same ardor." [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To reimburse Clara D. True for traveling expenses incurred by her under instructions from an official of the Indian service in the closing of her accounts as a former superintendent in the Indian service, \$50.15.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. I see from the statement an explanation of the reasons given for this claim, and I shall withdraw the point of order in the end. But why is it necessary, when they propose to adjust the accounts of a superintendent of a reservation, that they send a general superintendent and a financial officer to the agency, or require the superintendent to come to the office of the general superintendent, any more than it is necessary, when they adjust the accounts of a postmaster, to send the Postmaster General or one of his agents to the post office or require the postmaster to come to Washington? Why does it require the personal attention of any person to adjust accounts which are supposed to be made out subject to be transmitted by the mail?

Mr. FERRIS. If the gentleman will yield, we have the statement of the Indian Commissioner. I know the gentleman is well informed on this bill, and I think he will admit that this is one of only two or three items that may at all be considered a claim. This bill is free from claims, aside from one or two little items that are simply self-evident.

Mr. MANN. I am not complaining about the matter of a claim.

Mr. FERRIS. The Indian Commissioner says the Comptroller of the Treasury refuses to allow the item. The supervisor had the superintendent brought to him rather than to go to her, as a matter of economy, and he thought he was justified in doing it.

Mr. MANN. Why was it necessary to have this done at all? Here was a case where the chief supervisor was ordered to go from Denver, Colo., to Santa Fe for the purpose of having the superintendent of the agency adjust her accounts. Why was that done? Why could not she adjust her accounts by making out her statement and having it transmitted by mail? Why should somebody have to go from Denver to Santa Fe, or wherever it was, to adjust the account? What sort of administration is that?

Mr. FERRIS. The Commissioner of Indian Affairs explained to us that once in so often they journey around to these different agencies, and the accountants examine their books, to the end that there may be no fraud or mistake or money squandered, and it is exceedingly important that that be done. At the different agencies the agents have considerable latitude, and the officers have to do with the moneys of incompetent Indians who can not protect themselves, and in that way it becomes necessary.

Mr. MANN. Here is a statement in addition, that after having ordered the chief supervisor to go from Denver to a point in New Mexico to adjust an account, it was necessary to take a financial clerk to assist in the work. Is it true that they have to send around to all of these places occasionally officers to adjust the accounts of the superintendent, or require the superintendent at the agency to go to the office of the chief supervisor to be examined as to the accounts? I should think it was a very cumbersome and expensive method of administration. However, as the woman expended the money, I am not disposed to complain. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For maintenance, care, and protection of machinery and irrigation wells already completed, in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, \$5,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. This item of \$5,000 is in lieu of an estimate of \$15,000, and in lieu of an appropriation of \$15,000 carried in the current appropriation bill. As I recollect it, we have spent about \$500,000 for the irrigation of the lands of the Pima Indians on the Gila River. There has been some scandal and a great deal of dissatisfaction, and the claim is made that the water is salt, and the Indians have refused to use the wells and have made fun of the electrical devices installed, and the department estimates that it will cost \$15,000 to build the additional laterals

that must be built before the expenditure of \$500,000 can be utilized and to maintain the system. We have on this Indian reservation Pima Indians, who, with their ancestors, have from time immemorial practiced the art of irrigation. We have established there a system which can only be maintained by the employment of highly paid electrical engineers. Whether or not it was wise to install that sort of a plant I am not prepared to say. A committee, of which I am a member, sent a subcommittee down to investigate these matters last summer, but that committee has not as yet reported. We either ought to appropriate \$15,000 or nothing at all. There is no rhyme or reason in appropriating \$5,000 when the department says that \$15,000 is necessary for the building of the additional laterals and the care of the property on which we have expended half a million dollars. Now, we are either going to maintain that enterprise, which cost us half a million dollars, or we are going to let it go to ruin and decay—one or the other. If we are to maintain it, we ought to expend \$15,000, and if we are not, let us strike out the appropriation and not spend any money at all there, rather than waste an entirely inadequate sum. I find nothing in the hearings to justify this reduction of the appropriation, although there was some discussion on this point, and in that it differs from almost every other item in the bill. There was some discussion before the committee in regard to this matter. After reading that discussion I am not enlightened as to any good reason for the reduction of the amount in the appropriation, provided it is intended to maintain that expensive plant down on the Gila. I should like to hear from the gentleman from Oklahoma as to the reason for reducing this appropriation.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming complains over the reduction of the appropriation.

Mr. MONDELL. I do not complain, I protest.

Mr. FERRIS. The gentleman protests as to the reduction of the appropriation from \$15,000 to \$5,000, apparently without reason. There is nothing in the hearings that discloses the reason, but there was information before the chairman and information before us as a committee, personal in its nature, from the gentleman from Arizona [Mr. HAYDEN] in which the members of the committee were unanimous that there is a big dispute as to whether or not the Indians will ever accept the water from these wells. In time gone by the Reclamation Service diverted certain flood waters and waters from the Gila River, which the Indians felt they were entitled to, and gave it to the white settlers. In place of that they dug wells and gave it to the Indians in lieu of the water they had diverted. The expense of running an irrigation plant that comes from wells, from the constant rusting out of the machinery, causes a much larger expense per acre, and the Indians felt that they were mistreated.

The view of the committee was that we ought not to build a system which up to this time the Indians have totally refused to receive until we knew whether or not justice had been done. We have not neglected the question of what was justice in the premises. A board of Army engineers has been appointed, and they are down there investigating as to what is the actual justice in the case. As they have not reported, the committee thought that if we gave \$5,000 for some caretaker to keep the machinery painted and oiled and protected, that is all we ought to do for the present, and that was the reason we arrived at the \$5,000 appropriation instead of \$15,000 for completing a project which might never be used.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This appropriation heretofore has been reimbursable. I notice that this item now proposes to pay the money out of the Treasury without reimbursement. I suppose we may reach that in a great many cases. How much land is being irrigated at this point now?

Mr. FERRIS. There is none under this project. I will give the gentleman the data, so that he may have it before him.

Mr. MANN. How much is being irrigated on the reservation? I notice the statement is that there are 12,000 acres—

Mr. FERRIS. There are 4,246 Indians, and 12,000 acres that can be irrigated from these wells if you can get the Indians to use the water.

Mr. MANN. I think the gentleman is in error. The gentleman is reading from the same document that I am holding in my hand. It says 12,000 acres are now being irrigated and 12,000 additional to be supplied by pumping water, and 8,000 acres additional to be supplied with irrigation. How much land is actually being irrigated from this plant?

Mr. FERRIS. There is not any at all being irrigated from this plant. The Indians have a superstition that if they allow

the water to be turned onto the land at all from the well system they will abandon their rights to the waters of the Gila River that have been taken away from them.

Mr. MANN. This is, apparently, one of those cases where perhaps the Government has made a mistake. The estimated cost of this plant is something over \$50 an acre for the irrigation plant. Now, when the plant is constructed the Indians do not wish to use it. It cost something over a half a million dollars, all of which heretofore has been appropriated to be reimbursable. This bill proposes to appropriate an additional sum without being reimbursable, and that may be correct. If we made a mistake, if we spent a large amount of money there uselessly, we ought not to charge the Indians with that, because they had nothing to do with it.

We ought to charge it to experience or to the men who spent the money. The fact is we went crazy on the irrigation subject, and I am not sure but that we still are. We have been spending large amounts of money out of the Public Treasury without sufficient knowledge or caution. There are some items in this Indian bill which I do not criticize because I guess they could not be left out, where they are liable to have somewhat the same experience that they have had with this proposition.

Mr. FERRIS. Mr. Chairman, just a word. The criticism of the gentleman from Illinois [Mr. MANN] is undoubtedly a good one, and it should address itself to every Member in this Chamber. Mistakes have been made in irrigation matters, serious ones which have cost the Government lots of money, and there may be some made in this bill. We went into the matter as thoroughly as we could, but we were up against this proposition. We had before us Mr. Newell, head of the Reclamation Service, and also had before us the whole Indian Irrigation Bureau. We tried as best we could to get information from them, but were up against this difficulty. We found that in Montana and in numerous other States great projects were under way, committing the Government to hundreds and hundreds of thousands of dollars. We made it our policy from one end of the bill to the other to permit them to begin no new projects, and it is the policy of the committee to try to hold these projects down so that we may complete those we have started in and have gotten so far along with that we are committed to them thoroughly.

In other words, where a project is to cost \$500,000 and there have already been expended on the project \$350,000 or \$450,000, leaving only \$50,000 or \$60,000 yet to be paid, I think all will concede the folly of abandoning it, for a project once abandoned becomes abandoned in toto. The ditches fill up, and the floodgates destroy the entire system. While I do not expect the different items in this bill to be free from criticism, I think it is about the best we can do under the plan we have already been committed to. And on this proposition, if I may be permitted a word further, I think it is intensely proper that we do not appropriate any more than enough to protect this machinery until the board of Army Engineers tells us exactly what the situation is down there. In other words, we should know whether we have squandered \$400,000 or \$500,000 in the construction of a plant which the Indians refuse to receive, and which the Indians may well refuse to receive, because the expense per acre is so high that they can not afford to use it. If the Indians refuse to be divested of the headwaters of the Gila River, we ought to at least get the benefit of the best information upon the subject that we can before we commit the Government to any more expenditure. I think the \$5,000 is necessary, but I think any more than that would be folly until we know what the trouble is.

The Clerk read as follows:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., \$5,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I have no special information as to the necessity for this item. I assume that the sum is probably needed, but I would like to correct the record just a little in regard to a matter that was under discussion a moment ago.

The situation relative to the Gila River is quite sufficiently confused without the gentleman from Oklahoma [Mr. FERRIS], who is generally so accurate, further confusing it. He is held to be such an authority on land and water subjects that his statement made a moment ago might involve the Government in serious difficulty if attention were called to it. He said, as I understood him, that the Government had diverted the waters of the Gila River, and that that diversion by the Government, under authority of Congress, had left the Pima Indians without

water. The gentleman was not as accurate as usual. The Government has not taken water from the Gila River. The Roosevelt project, so called, takes water from the Salt River. The water which the Pima Indians originally used, and which their forefathers used for many years, was diverted by settlers many years ago. The Indian Office, refusing to make the proper application for Indian rights upon the theory that the Government did not have to bow to a State, allowed the water rights of the Indians to be transferred elsewhere and left them with nothing but the flood waters of the Gila. In building the great plant on the Salt River we developed a large amount of power, and it was suggested that we use some of that power for the purpose of pumping water for the Pimas adjacent to the Gila, instead of doing what the Indians wanted to have done and what a lot of other people wanted to have done, namely, build a great dam on the Gila River, a river that carries more silt than any other river in the world, which in a few years would have filled up. We refused to do that. We did the other thing. Whether it was wise or not I do not know.

Mr. FERRIS. Mr. Chairman, just a moment. I am inclined to think the gentleman is stating more accurately than I did what the situation is, and if I said more than to show that was the contention of the Indians I said what I did not intend to say.

The contention of the Indians is—and I have talked personally with them, they were here last year—that the Federal Government allowed patent to issue and title to these lands and did not properly conserve their interests.

Mr. MONDELL. The settlers diverted the water higher up the stream—

Mr. FERRIS. I did not intend to assert anything to be a fact other than their contention, and as a board of Army officers is now investigating, the committee thought we ought to wait.

Mr. MONDELL. The Government is in a way responsible for that, however. If the Indian Office at the proper time had filed with the territorial officials water rights on behalf of the Indians they would have secured them.

Mr. FERRIS. That is exactly what I think the facts are.

Mr. MONDELL. I worked with the Indian Office here years ago month after month to get them to take out water rights in our State for the benefit of the Indians, in order that they might be protected. Our people did not want to take their water, but the Indians can not sit beside a stream and use water without regard to the forms of law any more than a white man and preserve his rights as against others. The Indian Office finally came down off its high horse and admitted in some respects we had a sovereign State with some reserved powers, and they made application in due form. They could have secured these water rights in Arizona just as well, but the Indian Office refused to do it—took the position that, in some peculiar way, the Indian, as the ward of the Government, has a perpetual right, a proprietary right to the water that flows past his land without regard to the State laws or institutions governing the use of water. This is an illustration of how the department failed to do its duty. Settlers came along, as it was natural for them to do, and diverted the water higher up the stream on better land, and the Indians were left without anything but flood waters, and we are now trying to provide water for their use.

The Clerk read as follows:

For continuing and completing the construction of the Ganado irrigation project on the Navajo Indian Reservation in Arizona, in accordance with the plans submitted by the chief engineer of the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with section 1 of the act approved April 4, 1910, \$25,100: *Provided*, That the total cost of the project shall not exceed \$60,100.

Mr. MONDELL. Mr. Chairman, I desire to ask the chairman of the committee if these Indians are the owners of any considerable areas of land? Is there any reason why these Indians should not pay for their reclamation projects?

Mr. FERRIS. I will state to the gentleman there are 30,000 Indians in the Navajo and Moqui Reservations in Arizona and New Mexico, and they have a large reservation. Of course a great deal of it is nonirrigable desert land and without much value.

Mr. MONDELL. But does not the gentleman think it better policy to make this fund reimbursable, even though it never is reimbursed—in other words, have these Indians understand that when the Government builds an irrigation project there is an obligation on their part in connection with it and it is not simply a gratuity, the value of which they fail to realize because it is not costing them anything?

Mr. FERRIS. I will say to the gentleman this project has been appropriated for in former years—

Mr. MONDELL. I realize that.

Mr. FERRIS. And it was begun with a specific provision that it should not exceed \$60,100, and this \$25,100 here appropriated merely enables the Reclamation Service to continue the project which was lawfully begun under a former act. I understand that does not answer the gentleman's question.

Mr. MANN. Does the gentleman say this project has been begun very long ago?

Mr. FERRIS. I said formerly; this last Congress, I think it was.

Mr. MANN. The statement in the hearings here is that nothing has been done but to make the survey.

Mr. FERRIS. I think that is the project on which there has been expended about \$35,000.

Mr. MANN. The gentleman will find on page 5 it refers to this project—what is the condition of the project; what has been done—a statement that nothing but surveys have been made and they are practically ready now to begin construction.

Mr. FERRIS. Well, the gentleman understands we have to provide money a year in advance so they can go ahead.

Mr. MANN. I was not saying anything about that. I was saying in regard to whether the project was under way and begun as the gentleman stated.

Mr. FERRIS. I understood that the appropriation of \$35,000 had been expended or contracted for.

Mr. MANN. The question as I understand is whether it should be provided that the money should be reimbursed.

Mr. FERRIS. I understood the question of the gentleman, but I was trying to state historically what had happened in connection with this appropriation.

Mr. MONDELL. It seems also the discussion developed the question of whether it is advisable to make this appropriation, in view of the fact there is \$35,000 now available.

Mr. FERRIS. I think the gentleman will agree this money we are appropriating now is, of course, not available until after the end of this fiscal year.

Mr. MONDELL. I understand.

Mr. FERRIS. And that the \$35,000 appropriated by the preceding bill will undoubtedly have been consumed by the time this money becomes available.

Mr. MONDELL. I judge not from the statement which has been quoted.

Mr. FERRIS. The engineer explained to us at great length the folly of letting them expend a part of the money for the project and having it washed away before it was completed.

Mr. BURKE of South Dakota. And, Mr. Chairman, if the gentleman will permit me to make a suggestion, the amount heretofore appropriated is available and probably will be expended by the end of the fiscal year. The \$25,100 carried in the present law will complete the project, and if the gentleman will examine the hearing he will discover the engineer of the Indian Office stated it would be economy to make this appropriation and complete the construction of this plant rather than to allow it to go over to another year.

Mr. MANN. Will the gentleman permit?

Mr. BURKE of South Dakota. If I have the floor, I certainly will do so.

Mr. MANN. I notice the engineer, in making his statement before the committee, was asked this question:

Will the \$35,000 which is now available, carried in the last bill, be as much as you can expend in this next fiscal year?

And the answer is:

Not as much as we might expend, but possibly as much as we would. It depends entirely upon the conditions, both the climate and the river.

That does not indicate it will be spent during this fiscal year.

Mr. FERRIS. Not necessarily.

Mr. MANN. Well, not probably.

Mr. FERRIS. But it should be available.

Mr. MANN. I have no objection to the appropriation being made.

Mr. FERRIS. He stated that the idea is that after a work of that kind is started it would not be economical policy for it to be stopped in the middle for lack of funds.

As the gentleman will recall, we put a provision in the appropriation act of 1910 that no irrigation project could be started costing more than \$35,000 without authority of Congress. Now, the Congress authorized this project to be constructed, and limited the cost to \$60,100, and we are now simply authorizing the money to complete it, the same as we would do with a public building. If Congress, having jurisdiction of the expenditure

of the money, should recommend that they should have the money—

Mr. MANN. Well, but as to the reimbursability.

Mr. FERRIS. I think I have something here that has something to do with the question of reimbursability.

Mr. MANN. And that is the only point.

Mr. FERRIS. The act to which I have reference is the act of April 4, 1910, section 1 of which provides that this shall be reimbursable. I will read the section to the gentleman so that we will have the matter in the RECORD:

For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto, and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act, or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, \$215,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended: *Provided*, That the unexpended balances of all continuing appropriations heretofore made for allotment work, general or specific, are hereby made available for the purposes enumerated herein.

I think this section properly refers to that.

Mr. MANN. Not at all. The reimbursability was probably the only money recommended in that appropriation.

Mr. FERRIS. But, if I may be pardoned, the act of last year, which began this project, specifically refers to section 1 of that act of April 4, 1910.

Mr. MANN. In what way? The reference is not sufficient.

Mr. FERRIS. I will give the gentleman the law of last year. This is the provision that began this project:

For beginning the construction of the Ganado Irrigation project, on the Navajo Indian Reservation in Arizona, in accordance with the plans submitted by the chief engineer of the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with section 1 of the act approved April 4, 1910, \$35,000: *Provided*, That the total cost of the project shall not exceed \$60,000.

Mr. MANN. I do not think that is reimbursable at all.

Mr. FERRIS. Does not the gentleman think that when it makes specific reference to a section which is a reimbursable section that makes it reimbursable?

Mr. MANN. Section 1 of the act of 1910—

Mr. FERRIS. It says, "In conformity with that section"—

Mr. MANN. Provides that the money appropriated in that act shall be reimbursable. Now, the same thing is true about the Gila River Reservation, which we have just passed. That question we had up a moment ago. They were asked there in your hearings why that was not made reimbursable, and the officer in charge said that was already provided by the law of last year. But he was wrong about it, because the law of last year on the subject provides only this:

That the proportion of the cost of irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from public funds shall be repaid into the Treasury of the United States.

And so forth.

That does not authorize the reimbursement of a subsequent appropriation.

Mr. FERRIS. I am rather slow to set my judgment up against that of the gentleman from Illinois, and I do not do it now, but only suggest to him that it was undoubtedly the intention of the committee, when this was begun, to make it refer to it and come under that section 1 of the act of 1910; so much so that it specifically refers to it. I can not help but think it is reimbursable.

Mr. MANN. I do not know how the department would construe it, but I am inclined to think that if I were the department I would not think it was reimbursable. It is an easy matter to correct it now or hereafter if the intention is to make it reimbursable.

Mr. MONDELL. Let me make this suggestion, in order to make this perfectly clear; that you add at the end of line 18, page 9, these additional words, "and reimbursable under the terms of that act."

Mr. FERRIS. I have no objection to that at all. It already says that, however. The language of this year says that.

Mr. MONDELL. It does not say "reimbursable."

Mr. FERRIS. It says, "In conformity with section 1 of the act of 1910." If the gentleman wants to insert the word "reimbursable," all right. I have no objection.

Mr. MONDELL. I doubt it that act itself makes this reimbursable. I think it would be better to say "and reimbursable,"

and let it stand there, because I doubt whether that act provides for the reimbursement of any funds excepting the specific amount appropriated.

Mr. BURKE of South Dakota. If such an amendment is put in, I suggest that you add language to the effect that the amount herein appropriated and hereafter appropriated upon this project be reimbursable.

Mr. MONDELL. I think that would be better.

Mr. FERRIS. I have no objection to it; but I repeat, it was the intention of the committee to do it.

Mr. MANN. Let us pass it over for the time being.

Mr. FERRIS. The gentleman from Wyoming will offer an amendment, and it can be passed later.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the western Navajo Indian Reservation in Arizona, with respect to the necessity of constructing a bridge across the Moencopi Wash, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1913, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MONDELL. Mr. Chairman, this paragraph is evidently in lieu of an estimate, submitted by the department, of \$10,000 for the construction of a bridge. It is now proposed to authorize an investigation of the conditions necessitating the construction of the bridge, and \$1,000 is appropriated, not made reimbursable.

These Indians have large areas of land, and it is proposed to build a bridge on the reservation. Up our way either the Indians build bridges on their reservations or the counties build them. The committee has shown some disposition to oppose the proposition which I presented and which I shall present in a form similar to this a little later on, authorizing an investigation as to the necessity of building bridges and roads at the expense of the Indians on the Wind River Reservation. But here is an investigation proposed as to the necessity of building a bridge on an Indian reservation at public expense. If the Indians do not need the bridge and have no use for it, and it is to be used wholly by the white people, the white people ought to pay for it and not the people of the United States. If, on the other hand, the Indians need the bridge—and they own much land, some of it valuable and some of it of little value—they ought to pay for the bridge. In any event, if we build the bridge and make an appropriation ultimately for the building of the bridge we ought to provide that the sums expended should be reimbursable, and that without regard to whether we ever expect to get it back or not. We do expect to get it back, and we ought to get it back, and undoubtedly would get it back as these Indians in the course of years secure enough to pay for it. But in any event they should understand that we are not proposing to construct roads and bridges across their enormous reservation at the expense of the people of the country. It is not a good thing for the Indians. It is not good public policy. It is not defensible from anybody's standpoint. While I shall not insist upon the thousand dollars here appropriated being made reimbursable, I think it ought to be made reimbursable. I think it is all right to examine as to the necessity of building this bridge. Quite likely it is. I do not know anything about it; but the cost of investigation and the cost of building, if it is ultimately to be constructed, ought to be at the expense of the Indians.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. MANN. Is there any reason why the great State of Arizona should not build a bridge for the benefit of its citizens, and pay for it out of its treasury?

Mr. MONDELL. I think there are many reasons why the State can not be expected to build roads and bridges on Indian reservations, even in those cases where the whites make some use of the roads on those Indian reservations. In the first place, the State derives no revenue whatever from these reservations. We are compelled to maintain order upon them within the jurisdiction of the State, and we derive no revenue whatever from them. So far as the bridges and roads are necessary, the Indians ought to pay for them. We ought not to burden the Indians more than their necessities and the necessities of their neighbors require; but, as I look at the matter, the white people

on the one hand and the Indians on the other, using the roads and bridges jointly on each other's property, should maintain these roads and bridges, each in his own country, in fair and passable condition. The Indians should not expect the white people to build their roads and bridges, and should not expect the Government to do it. So far as they are necessary for the joint use of the Indians and the white men, they should be paid for by the owners of the property, whether white or Indian.

Mr. McKENZIE. If the gentleman will yield for a question, I want to ask for information if the Indians on these reservations have the right to construct bridges or build roads?

Mr. MONDELL. Oh, yes; they own the land.

Mr. FERRIS. But they have no money with which to do it.

Mr. MONDELL. They own the land, and they can do as they see fit.

Mr. FERRIS. I think the question asked by the gentleman ought to be more fully answered than it has been by the gentleman from Wyoming. They have the right to build these roads and bridges, but every cent of their money is tied up in trust funds, so that they can not use it.

Mr. MONDELL. A great deal of road building can be accomplished without the expenditure of a considerable amount of cash. It is largely labor.

Mr. McKENZIE. These Indians have no trust fund.

Mr. FERRIS. This is the situation as it was presented in the hearings: The commissioner says these Indians are located about 90 miles from Flagstaff; that this road goes to an Indian school and agency; that a bridge with an 85-foot span has already been constructed, which could be used if the bridge across this wash was built, which it will cost about \$10,000 to build. We did not want to take the responsibility of providing for its construction, even although by the expenditure of \$10,000 the Indian reservation would have the advantage of the 85-foot bridge, without sending some one out there to make an investigation. We have appropriated \$1,000 for the purpose of making an investigation to ascertain whether any bridge should be constructed, although the commissioner urged in the strongest terms that it should be constructed.

I find on looking at the property qualifications of these Indians that while they have no trust fund they have property estimated and valued at \$2,100,000. If anyone cares to offer an amendment providing that this \$1,000 shall be reimbursable, certainly I have no objection to it, although the amount is only \$1,000 and it does not construct anything for the Indians. I do not think we ought to construct anything until we see whether it ought to be done or not.

Mr. MONDELL. I think the committee ought to offer such an amendment. The item is so small that probably no other Member of the House will care to offer it. Yet the principle is involved. We ought to establish the principle, and adhere to it, that where the property of the Indians is going to be improved and the Indians are going to be benefited they ought to pay for the improvement. At least we should contemplate the repayment of it by the Indians.

Mr. FERRIS. I think unless some one has an amendment prepared it would hardly be worth while to apply it to this \$1,000, but I will say to the gentleman that in dealing with the bridge proper, which may be constructed in the future, that principle ought to be applied.

Mr. BURKE of South Dakota. Mr. Chairman, if the gentleman from Oklahoma will permit me to add to his statement another reason for not making an appropriation for a bridge than the one that the gentleman has given and why this item was inserted instead of an appropriation, I will say that it was to ascertain from an engineering standpoint the estimated cost of such bridge. An appropriation might be made for \$10,000 and the bridge might not cost more than \$100, and therefore, instead of undertaking to appropriate for it, we have asked by this provision that there be submitted an estimated cost.

Mr. FERRIS. The gentleman states it correctly.

Mr. MANN. Mr. Chairman, I doubt the advisability of the Government paying for these bridges. Since my distinguished and lovable friend from Arizona came on the floor of the House, representing the State of Arizona, we have had a number of these bridge projects which his predecessor, the distinguished Senator from Arizona, with all his keenness, never was able to unearth in his long service in this House. It strikes me that when the Territory of Arizona was created into a State it assumed some responsibilities. Now, the pretense is that these bridges are for the benefit of the Indian. From the two reports made last year, which have come in, it appears that in the

main, or at least to a large extent, the bridges proposed are for the benefit of the white man and not merely for the Indian.

Now, the gentleman says that we ought to have this report as to the need of the bridge. The report is already written as to the need of the bridge by the officer who would have to write it; he has already declared himself that they need the bridge. Last year we appropriated for an investigation as to the need of a bridge on the Navajo Indian Reservation, Ship Rock, San Juan River. The officer in charge at Denver, Colo., having been directed to investigate as to the need of the bridge, wired this statement to the officer in charge at the place:

Mail here at once number Indians living south of river, danger of fording, peril when ford is impossible, and any data for use in report justifying need of bridge.

All they asked for was information for a report justifying the need of a bridge. Having been directed to investigate the necessity of a bridge, they directed the officer to send them information which they proposed to incorporate in a report justifying the need of the bridge. That was all they wanted, and that is all they want in this case, if it goes through, for they have concluded that they need the bridge and do not need any investigation to ascertain it; nor do they need any special investigation as to the cost. You can send the length of the bridge, which is easily ascertained, to any of the bridge companies of this country and obtain offhand the probable cost of a steel bridge, which in the end will be recommended. It will cost between \$20,000 and \$30,000, and the estimate of the engineer will not add anything to it. Why should not the State of Arizona do something for these people? They live in Arizona, they trade in Arizona, they are the life of Arizona, and yet whenever anything is to be done they want the Federal Treasury to pay the money.

Mr. HAYDEN. Mr. Chairman, in reply to the gentleman from Illinois [Mr. MANN] as to why the State of Arizona should not be compelled to build bridges and roads on the Indian reservations, permit me to suggest to the committee that over one-quarter of the entire area of my State has been set aside for Indian reservations. There are 28,685 square miles of territory in Arizona reserved for the use of the Indians. That is an area larger than the whole State of West Virginia, and almost as large as the State of Maine or the State of South Carolina. The Indian country in Arizona is equivalent in size to any one of these three States. A region rich in minerals, particularly copper and coal, containing vast forests of virgin timber, large areas of irrigable lands, and other larger areas suitable for dry farming and for grazing purposes. All of this domain is not subject to taxation and does not contribute one cent to the upbuilding of my State.

The white people of Arizona on their own land, in that part of Arizona that is not reserved for the Indians, are doing their full share of building roads and bridges. Last year there was raised in my State over \$500,000 by direct taxation for the purpose of constructing roads and bridges. The Indians in Arizona contribute nothing to that end. It seems to me that when we consider the vast area of land that has been given to the Indians and the great value of their property, that they ought to contribute in part to the construction of the State highways.

I thoroughly agree with the gentleman from Wyoming [Mr. MONDELL] that any expenditure of this kind should be made reimbursable out of the Indian funds. It is true they have no trust funds now, but ultimately they will have money to their credit, and when they do have it they should pay for any work that is done for their benefit.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. MANN. The gentleman is familiar with the two reports made in conformity with the appropriations last year, for two different bridges in Arizona?

Mr. HAYDEN. Yes, sir.

Mr. MANN. In one of them this statement is made:

Bridges would prove a great convenience to the general public in addition to actual necessity for the use of the Indians.

In the other the statement is made:

Also a convenience to the white people of the valley, who make frequent trips across the reservation to sell their products in towns along the Santa Fe Railroad.

How will the gentleman determine how much of this money, if it is to be reimbursed, shall be reimbursed out of the Indian funds when it appears from the reports that the bridges are largely to be utilized by and for the benefit of the white citizens of Arizona who do not own the Indian lands?

Mr. HAYDEN. Mr. Chairman, the policy of the committee in referring these matters to the engineers of the department

and having estimates made and plans and specifications prepared has been justified by every report made in accordance with the act last year. In the case of one of the bridges to which the gentlemen refers there was a bill before the committee to appropriate \$100,000.

This appropriation was favorably recommended by the department. It turns out that the actual cost in that particular case was \$63,500, making a saving of over \$35,000. Another bill for a bridge at Yuma had the favorable recommendation of the department and an appropriation of \$100,000 was asked for, but when the report of the engineers is made we find that the bridge will cost but \$75,000, and the recommendation of the department is that the United States should not bear the entire expense, that only \$25,000 could properly be spent on behalf of the Indians. I am not familiar with the conditions at Shiprock, N. Mex., but as far as the Arizona reports are concerned, I believe they amply justify the policy of the committee in ordering these investigations, and that the reports show the extent of the interest of the Indians in the building of these bridges.

Mr. MANN. One of the reports to which I referred was for a bridge at the San Carlos Reservation, Ariz., where the proposition has been to have the Government pay the entire expense, and where it appears it is largely for the benefit of the general public.

Mr. HAYDEN. Not from the reports.

Mr. MANN. I just read it to the gentleman. That is what the report says:

Bridges would prove a great convenience to the general public.

Mr. HAYDEN. That does not mean entirely in the interest of the general public.

Mr. MANN. I will not quibble with the gentleman about the meaning of words. That is what I think it means. Perhaps I am mistaken. Perhaps it would not be to the interest of the general public to have their convenience served. I supposed that it would be.

Mr. HAYDEN. Of course I am quite willing to admit that you can not improve a road or a bridge in the State of Arizona that will not be for the benefit of all the people in Arizona, Indian and white, but as to the measure of benefit, and who should pay the cost, I think it is proper to have these investigations made, and then act according to the reports given to us, unless we have other detailed information to the contrary.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. MANN. Mr. Chairman, I had intended to insist upon the point of order. I do not know why it is, but as to these little thousand-dollar appropriations, at least, the gentleman from Arizona [Mr. HAYDEN] exercises a sort of hypnotic effect upon me. I do not think that that will be the case when the appropriation is over \$1,000. Under the circumstances I shall withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I think while this matter is under discussion that we ought to have it a little more thoroughly understood. It is true, as the gentleman from Arizona [Mr. HAYDEN] says, that it is impossible to construct a bridge or to build a road on any Indian reservation in the country and not have the bridge or the road of some benefit to the general public. For instance, to illustrate the situation, in my State we have an Indian reservation lying wedgewise a very well-settled country, with rivers of considerable size for that country bounding the reservation on either side. The county has constructed the bridges on either side at considerable expense, one end of the approaches of the bridges so constructed resting on the privately-owned land of the county and the other end on the Indian reservation. Under our law we could not tax the people of the State to build a road on the reservation or build a bridge on the reservation, and we ought not to do it if we had authority. The people of the vicinity are taxed for the purpose of building roads and bridges. The Indian owns his own land. There is no reason on earth why he should not be called upon and expected to pay for road and bridge construction upon his own land.

The Indians use the roads and bridges we have built in the adjoining territory and they travel a good deal, many of them. Therefore it is no argument against our building roads and bridges on their reservation that the white people will likewise to a certain extent use those roads and bridges. It is to the advantage of all concerned, Indians and whites, that there should be more or less communication between them, traveling about in the country, and the Indian in my country is perfectly willing to build the bridges and the roads on his own land if we allow

him to do it, and I presume that it is true of the Navajos, and there should not be any question of doubt in the mind of any gentleman on this proposition that on an Indian reservation wholly owned or generally owned by the Indians, nontaxable, that the Indians should be expected to build the roads and bridges and maintain them in fair condition. As a matter of fact they should be maintained in as good condition as the roads that join on either side of the reservation.

The Clerk read as follows:

For completion of the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, \$25,000, reimbursable as provided in said act, and to remain available until expended.

Mr. STEPHENS of Texas. Mr. Chairman, I have a committee amendment which I desire to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 17, page 10, insert as a new paragraph the following:

For the construction of a bridge across the Gila River on the San Carlos Apache Indian Reservation, Ariz., \$45,500; and for the construction of a bridge across the San Carlos River on said reservation, in said State, \$19,800, both appropriations to be immediately available; said bridges to be constructed across said streams in the places and manner recommended by the Secretary of the Interior in House Document No. 1013, Sixty-second Congress, third session; in all, \$65,300, to be reimbursable out of any money that may hereafter be deposited in the Treasury of the United States to the credit of the Indians having tribal rights on the Fort Apache and San Carlos Indian Reservations."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Will the disposition of this item preclude the possibility of offering an amendment to the paragraph which has been just read, to which this is an amendment?

Mr. STEPHENS of Texas. This is an amendment to the entire section.

Mr. MANN. The gentleman stated that he offered an amendment to the paragraph.

Mr. STEPHENS of Texas. To what is the point of order reserved—to the language of the original bill?

Mr. MONDELL. I desire to offer an amendment to the paragraph; this is new matter. I simply desire to be informed whether I could offer an amendment after this matter has been disposed of.

The CHAIRMAN. What is the gentleman's amendment?

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Will the gentleman send up his amendment?

Mr. STEPHENS of Texas. Mr. Chairman, I submit that would be an amendment to an amendment.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word of the paragraph that was read.

Mr. STEPHENS of Texas. To the bill or to the amendment?

Mr. MONDELL. I have no objection to the gentleman's amendment being considered, providing it does not preclude my offering an amendment to this paragraph later.

Mr. STEPHENS of Texas. The gentleman's amendment is to strike out the last word, and on that I presume the gentleman desires to speak. I desire to yield, if I can do so, to the gentleman from Arizona to explain the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. HAYDEN. Mr. Chairman, I desire to give a brief history of this amendment in order to show that it is not a new proposition, but that it has been well considered.

On April 5, 1911, House bill 1682 was introduced by the then Delegate from Arizona appropriating \$100,000 for the construction of these two bridges. It was referred to the Committee on Interstate and Foreign Commerce. The committee referred the bill to the War Department and to the Department of the Interior for their views. The Secretary of War reported that—

The rivers which it is proposed to bridge have no value as highways of commerce, and I know of no objection to the enactment of the measure from the standpoint of navigation.

The Secretary of the Interior at first recommended that the construction of these bridges be held in abeyance until the controversy over the San Carlos Dam site, then pending in the department, was settled, for the reason that if the bridges were built as then proposed they might be flooded by the waters of

the reservoir if constructed. However, on March 25, 1912, the Secretary wrote to the chairman of the Committee on Interstate and Foreign Commerce, in which he said:

The department would be much pleased to see the proposed legislation enacted into law and an appropriation made available for the construction of the bridges, which would be an important factor in the development of that section of the country.

The Secretary inclosed a report from the superintendent of the San Carlos Indian Agency, in which the agent discussed the construction of the bridge in connection with the San Carlos Dam. The dam will be built in a narrow canyon in the mountains just below the junction of the Gila and the San Carlos Rivers. The original place where these bridges were proposed to be located was near the junction of the two streams, but it was discovered that if the San Carlos Dam were built, they would be flooded by the water in the reservoir, and for this reason sites were selected higher up on each stream. Mr. Lawshe, the Indian agent, says in this letter:

Without the dam these bridges are very desirable; with the dam they become absolute necessities.

If the dam is not built, the construction of the bridges referred to would be, simply, a great benefit to the public and to the Indians, as the rivers are unfordable at certain times in the year, and for considerable periods.

If the dam is built, the construction of the bridges becomes an absolute necessity, as the rivers would thereby be made unfordable at all points where road construction is practicable.

On the receipt of this report I immediately took up the matter with the Committee on Interstate and Foreign Commerce, but was informed by the chairman that the committee was without jurisdiction, since both the Gila and the San Carlos are nonnavigable streams.

A similar bill appropriating \$100,000 having been introduced by the Delegate from Arizona was referred to the Committee on Indian Affairs. I went before that committee and was informed that a rule had been adopted that no construction of this character would be favorably considered by the committee unless surveys had been made and plans, specifications, and an estimate of cost had first been made by the Department of the Interior.

I then introduced a bill providing for a survey and the making of plans and an estimated limit of cost, which bill became a part of the last Indian appropriation act, which is as follows:

To enable the Secretary of the Interior to make an investigation of the conditions on the White Mountain or San Carlos Indian Reservation in Arizona, with respect to the necessity of constructing, for the use of the Indians, suitable bridges across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, \$1,000, and the Secretary of the Interior is hereby authorized and directed to cause surveys, plans, and reports to be made, together with an estimated limit of cost of construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912.

As required by the act, the Secretary of the Interior submitted his report to the Speaker of the House of Representatives under date of December 2, 1912. The letter was sent to the Public Printer and I could not obtain a copy of it in time to have the matter considered by the committee at the meeting when the Indian appropriation bill was reported to the House. The Secretary's report includes a report of the engineer, John Charles, supervisor of construction for the Indian Office, which in part is as follows:

The San Carlos Agency is located approximately 14 miles west from the confluence of the San Carlos and Gila Rivers. A ford is now found across the Gila River a few hundred feet from this junction, which can not be used with loaded wagons for a period of approximately 120 days in each year on account of high water. The Indians usually ride to the river, leave their teams there, and walk across the railroad bridge to reach the agency during these periods.

In considering the best location for bridges above flow line of the proposed San Carlos Reservoir, it was found necessary to go approximately 6 miles northeast from the San Carlos Railroad station on the Gila and 4 miles northwest on the San Carlos Rivers. These rivers run through adobe and sand formation, and quicksand is found in large quantities in both rivers.

There are approximately 500 Indians living east of San Carlos, who must cross both rivers to reach the agency. The Bylas farming district is located on the south side of the Gila River and east of the proposed bridge site. It is estimated that 4,000 acres of land is available for the use of the Indians in this district. Ditches are now in to cover about 1,400 acres, and 750 acres are platted and will be under cultivation this year. This land is divided up into 118 small farms, ranging from 5 to 10 acres each. This is the largest farming district located on the opposite side of the river from the agency.

He further states:

There is a great deal of travel over this reservation, and, while the rivers can be forded when the stage of water is low, there is always some danger of getting into quicksand, especially in the Gila. When the water raises only a little, it is considered very dangerous to attempt to ford this river without a guide. The amount of travel over this part of the reservation is steadily increasing, and the necessity for bridges becomes more apparent each year. Indians ford these rivers when they are extremely dangerous, and it is not uncommon to find teams stick in the quicksands. Some are helped out by others and some are lost.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. MONDELL. Are the streams across which it is proposed to construct these bridges wholly on the Indian reservation?

Mr. HAYDEN. They are entirely on the Indian reservation. The road across the reservation is 56 miles long, and the bridges are in about the middle of it.

I have a letter here, signed by the governor of the State of Arizona, the chairmen of the boards of supervisors of Gila and Graham Counties, and the mayor of the city of Globe. The communication is dated April 5, 1912, and is addressed to the chairman of the Committee on Indian Affairs:

Hon. JOHN H. STEPHENS,

Chairman Committee on Indian Affairs, Washington, D. C.

DEAR SIR: In reference to House bill No. 19950, being a bill to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers on the White Mountain or San Carlos Indian Reservation, in the State of Arizona, and for other purposes, we desire to call your attention to the following facts:

That owing to the lack of bridge facilities in this vicinity it is impossible for the Indians to ford the Gila and San Carlos Rivers during a number of months of each year. There are large tracts of land susceptible of irrigation and cultivation which lie in the reservation, and if bridges are built the Indians would irrigate and cultivate the same, which would practically make the Apache Indians on this reservation self-sustaining. The Indians have attempted to irrigate and cultivate these lands at great loss to themselves and the Government because of the fact that their crops had to be abandoned and became an absolute loss, as the crops matured when the rivers were not fordable. If the above-mentioned bridges are constructed, the Indians will be able to irrigate and cultivate these lands, raise crops, be in direct communication with the agency, and be in a position to market their crops and to have their grain ground at the mill established at the agency at San Carlos.

The construction of these bridges will place the Indian agent in closer touch with the Indians than heretofore. He will be able to control them more successfully, give them the benefit of school facilities, and teach them habits of industry, and thus make them self-sustaining.

The bridges will place the matured timber now in said reservation within easy reach, making it possible for the department to market the timber now ready for use. This matured timber will not increase in value because of future growth, and it will be a benefit to the remaining timber upon the reservation to remove such timber and market it, thus creating a large fund for the benefit of this tribe of Indians. It will also make the portion of the Indian reservation containing the timber tracts accessible in case of forest fires, and place the Government, the Indians, and the community here in a position where they can properly protect the forest from fire.

I might say in this connection that on page 32 of the hearings there is reported the sale last year of 300,000,000 feet of timber on the Apache Reservation, and the company who desired to make the purchase deposited \$5,000 as a bond, which was forfeited to the Government because there were no roads over which they could get into the reservation in order to move the timber out.

The letter says further:

Owing to the fact that these rivers can not be forded, the agency at San Carlos is now compelled to ship its firewood by rail for a considerable distance. If these bridges were constructed the Indians would cut and haul, by their own labor, all firewood used at the agency, thus giving employment to a considerable number of Indians for several months in the year. This is also true with respect to driving beef cattle to the agency and the obtaining of many of the supplies used at the agency.

If these bridges are constructed it will place the Federal authorities in a position to properly manage and control the Indians in case of disturbances, and give them every opportunity to suppress the iniquitous liquor traffic with this tribe of Indians and to fully enforce all Federal laws relating to Indians and the reservation.

We would call your attention to a letter of January 19, 1911, written by A. L. Lawshe, superintendent of the agency at San Carlos, to the Commissioner of Indian Affairs, and also his telegram of January 22, 1912, addressed to the Indian Commissioner, fully indorsing the construction of the two bridges for the reasons we have recited.

The construction of these bridges will be of great benefit to the United States Government in the transportation of United States troops to and from the various forts in Arizona, and particularly in case of serious outbreaks on the Indian reservation; of great benefit to the State of Arizona and the counties of Gila and Graham in connecting the large mining districts of Globe and Miami, containing a population of 15,000 to 18,000 people, with the large farming community along the Gila River in Graham County, thus giving the farmers in Graham County an opportunity to market their produce in the mining camps at Globe and vicinity, and will give the Indians an additional market for their crops.

Said bridges, if constructed, will be on the State and county road passing through said reservation, and of such benefit to the counties of Graham and Gila that said counties have agreed to and will build, maintain, and keep up the 56 miles of road crossing the reservation in order to receive the benefits thereof.

If there is any additional information or data desired by your committee, we will be glad to furnish same.

We urgently request that your committee take immediate action in the matter of the report on the above bill.

Yours, respectfully,

GEO. W. P. HUNT,

Governor of Arizona.

DAVID DEVORE,

Chairman Board of Supervisors, Gila County.

PHIL C. MERRILL,

Chairman Board of Supervisors, Graham County.

W. W. BROOKNER,

Acting Mayor, City of Globe.

Now, in conformity with the ideas of the gentleman from Wyoming [Mr. MONDELL], you will note that I have made this appropriation reimbursable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAYDEN. I believe that this appropriation should be reimbursable out of any moneys that may hereafter be placed to the credit of the Apache Indians in the Treasury of the United States. I am frank to admit that they have no trust funds to their credit at present, but I want to make the prediction here and now that this particular tribe of Indians will in time to come be one of the richest in the United States.

The Fort Apache and San Carlos Indian Reservations contain an area of 5,494 square miles, so that the tribal lands of the Apaches is a little larger in extent than the entire State of Connecticut, and more than twice the size of Delaware and Rhode Island combined. The reservation lies squarely across the great mineral belt that crosses the State of Arizona from the northwest to the southeast. On the eastern edge of the Indian lands lie the Clifton and Morenci mining districts that produced in 1910 metals, principally copper, valued at \$9,410,777.83, as shown by the returns required to be made under the Arizona bullion tax law.

On the very western edge of the reservation are the mining districts around Globe and Miami that, according to the same returns, produced \$1,407,964.41. These statistics are two years old, but they happen to be the only exact figures that I have at hand. I know that there has been a great increase in the production of copper in all of these mining districts since 1910. I might say, in passing, that the United States Geological Survey for 1911 shows that Arizona produced in that year 303,202,532 pounds of copper, which was 27 per cent of the copper produced in the United States, or over an eighth of all the red metal produced in the world. Under the stimulation of the present high prices it is freely predicted that Arizona's production of copper for 1912 will total 350,000,000 pounds.

Now, I have talked with a number of men who have personally prospected the Apache Reservation, and they all inform me that there is every indication of large bodies of copper ore. I do not believe that there is a mining man in Arizona who is at all familiar with the conditions who would not give it as his opinion that some of the largest copper mines in Arizona will some time be developed within the present boundaries of the Apache Reservation, and the royalties from these mines alone should make the Apaches as rich as any of the Indians of Oklahoma.

As to the timber and agricultural resources of the reservation, if the committee will indulge me for a moment, I will read an extract from the report of the State land commission of Arizona made to the governor on December 1, 1912. The land commission has been traveling all over the State, making a personal appraisal of the school lands and examining other lands with a view to their selection under the grants made to the State by the act admitting Arizona into the Union.

PORT APACHE AND SAN CARLOS INDIAN RESERVATIONS.

"From Sulphur Springs Valley the commission, on its way to Apache and Navajo Counties, where weather conditions were most favorable for expeditions and effective operations, traveled through and over the White Mountains of eastern Arizona, lying in the counties of Gila, Navajo, and Apache. The objective point of this overland trip was Springerville, and the route lay over the ocean-to-ocean highway from Rice, on the Arizona Eastern Railway and San Carlos Creek. From Rice to Springerville the road lies, with the exception of the last few miles, in the Fort Apache and San Carlos Indian Reservations—a body of land which is worthy of at least passing mention.

"These two reservations constitute a vast and beautiful and inexpressibly rich inland empire, stretching more than 70 miles north and south and east and west, containing 5,494 square miles of territory, or more than three and a half million acres of land. The altitude ranges from the lowlands of the Gila and San Carlos Valleys to the towering heights of the White Mountains, clad with immense forests of pine, cedar, juniper, and quaking aspen, 8,000 feet or more above the level of the sea. The San Carlos Agency is at San Carlos, in the low-lying southern portion, while the Fort Apache Agency is at White River, in the timber-covered mountainous north, and about

these agencies and the Rice and Cibola schools are mainly gathered the 4,545 Apache Indians—men, women, and children—comprising the remnants of many branches of a once famed and bloodthirsty nomadic tribe. At Fort Apache, 3 miles from White River Agency, are stationed two troops of United States Cavalry.

"The potentialities of the empire embraced within the boundaries of these reservations can not be estimated. So great are they that they may hardly be guessed at. Blessed by nature with scenic beauties of the most fascinating type, and clothed with billions of feet of valuable timber, the mountain valleys and sky-kissed mesas of the highland portion possess agricultural and horticultural possibilities realized by few and by fewer seriously considered. Cut by the White and Black Rivers, which form the Salt, seamed by their numerous forks and tributaries, these mountains form what is perhaps the best watered portion of Arizona. High up as they are, and subject to the rigors in winter of a northern climate, there are numerous protected areas, aggregating many thousands of acres of land, where farming and fruit growing could unquestionably be prosecuted with complete success. Apples, peaches, cherries, and similar fruits would find an almost perfect home, while many varieties of grains and vegetables which thrive best under temperate summer conditions, and are now grown to a certain extent by the desultory Indian farmers, would handsomely reward the husbandman. These things are not possible, of course, while the present boundaries of the Fort Apache and San Carlos Indian Reservation maintain, and the possessors of the arts of civilization are prohibited from availing themselves of the natural advantages here set aside and reserved for the red man."

As I stated a few moments ago, the State of Arizona is alive to the advantages of good roads. The people of the State have already built three bridges, each one at a cost greater than the cost of these bridges, and there is another bridge being built across the Salt River at Tempe at a cost of \$80,000. These bridges are of reinforced concrete, and the work is being done by convict labor. As soon as the Salt River bridge is completed the construction gang will go to another place to continue the work there. Under the direction of the State engineer a system of State highways has been planned and many miles of good roads have been built.

It has been proposed by the goods roads association of the State that the next legislature, which will meet this month, shall provide for a bond issue of \$5,000,000 for the construction of roads and bridges. From all I can learn from the press of the State that proposition is meeting with favorable consideration. It is in the line of work that has been done in California and the other Western States in the good-roads movement.

I am not now complaining about the great area of my State that has been turned over to the Indians. The United States has given them their reservations, which belong to them, and I do not want to take an acre away from them without just compensation.

It is now their land, and I am willing to assist them in making the best possible use of it, because I realize that no part of Arizona can prosper without benefiting the whole State. The Indian lands would still be a valueless wilderness if the remainder of Arizona had never been settled by the white people. It is the coming of the white people that has made valuable the timber, the coal, the copper deposits, and the agricultural lands that are now the property of the Indians.

On the other hand the development of the great natural resources of the Indian country is bound to add to the material prosperity of the white people in Arizona. The Indian and the white man have a common heritage, and it is only by the development of the whole of Arizona that all of her people, red and white alike, can find true prosperity.

All of this being true, my people are united in the opinion that the Indian should do his share in at least building the roads and bridges where the main highways cross the reservations. The Indian can not expect to enjoy all of the benefits of civilization without bearing some of its burdens.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEPHENS of Texas. I ask that the gentleman from Arizona have five minutes more, if he desires it, for the purpose of explaining the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Arizona be extended five minutes. Is there objection?

There was no objection.

Mr. HAYDEN. I hope that I will not take that much time, Mr. Chairman. As I say, I think the Indians ought to do their share in building up the good roads of the State. There is no better way in which to improve a country than to build roads and bridges. That is one of the best ways I know of in which to expend public funds. The construction of these particular bridges will benefit the Indians in opening up the country so that the timber, coal, and copper there will be worth something. This reservation would be worthless, as it was before the advent of the white people, except for the fact that the whole surrounding country has been settled by white people, which makes a market for the material things that the Indians own. And as the Indians will get the benefit of the increased value which comes from the settlement of the country by white people, a part of that value ought to go into the improving of roads and the building of bridges for the common benefit of all the people of the State.

Mr. STEPHENS of Texas. If the gentleman will allow me to ask him a question, is the State of Arizona in a financial condition to put in these bridges at its own expense, or to furnish a part of the money at this time, owing to the fact that it is a new State and in an undeveloped condition?

Mr. HAYDEN. The State of Arizona is in a financial condition to do any necessary bridge and road work. I do not think there will be any difficulty about the State doing its share.

In the case of the Yuma bridge the interest of the Indians in its construction across the Colorado River amounts to one-third of the cost. Under the circumstances the State of California should pay one-third of the cost and the State of Arizona one-third. In the case of the Gila and San Carlos bridges it is shown by the reports, and there is no evidence to the contrary, that the work is primarily of the greatest benefit to the Indians, of more benefit to them than to anybody else, and the benefit to the State is only incidental. The benefit to the State is in having a through road across the reservation.

Mr. STEPHENS of Texas. What is the distance across the San Carlos Indian Reservation at the point where the bridges are to be built?

Mr. HAYDEN. Fifty-six miles from where you enter the reservation to where you come out of it, and the bridge is about half way between the two points.

Mr. STEPHENS of Texas. How far are the streams apart where these bridges are to be built?

Mr. HAYDEN. I do not know how far it is across the neck of land, but I suppose it is 4 or 5 miles.

Mr. STEPHENS of Texas. Then the persons to be immediately benefited would be the Indians, who now have the land and have 100 settlements of farms, and so forth?

Mr. HAYDEN. Yes; those facts are shown in the report, although I have no personal knowledge of them.

Mr. STEPHENS of Texas. Has the gentleman personal knowledge as to the time that would be saved by these bridges?

Mr. HAYDEN. I never have crossed the Gila River at the San Carlos Crossing but once, and at that time there was about 2 feet of water in it, but there were quicksands enough to stop an automobile for half a day. There is more danger from quicksands than from anything else. But it is a torrential stream, liable to rise in a few hours and become unfordable.

Mr. TILSON. May I ask the gentleman a question?

Mr. HAYDEN. Certainly.

Mr. TILSON. The gentleman has said that it is about 50 miles across the reservation one way, and that the bridge is about in the center. Will the gentleman state as to the other direction, how far across it is and how near the bridge is to the center?

Mr. HAYDEN. The reservation is about 70 miles across each way—approximately square. The line of road cuts the west boundary, dropping to the south, and then goes farther east and leaves the reservation about the middle of the south boundary.

Mr. TILSON. How near is the bridge to the boundary?

Mr. HAYDEN. It is about 30 miles from Globe to San Carlos, where the bridges are located. It is about 25 miles to where the road leaves the other side of the reservation.

Mr. TILSON. It is well within the reservation?

Mr. HAYDEN. Yes, indeed.

Mr. MANN. Will the gentleman yield?

Mr. HAYDEN. I will.

Mr. MANN. How large an appropriation does the amendment carry?

Mr. HAYDEN. Sixty-five thousand three hundred dollars.

Mr. MANN. For how many bridges?

Mr. HAYDEN. Two.

Mr. MANN. Both on the San Carlos?

Mr. HAYDEN. One across the San Carlos and one across the Gila River.

Mr. MANN. Where does the gentleman get his figures for the estimated cost?

Mr. HAYDEN. On page 4 of the report. The estimate of the bridge across the San Carlos is \$19,800; across the Gila River, \$45,500.

Mr. MANN. That is the basis of the gentleman's estimate?

Mr. HAYDEN. Yes.

Mr. MANN. Is the gentleman able to say how much land there is on the off side of the river which requires the bridge across the Gila River?

Mr. HAYDEN. According to the report there are 4,000 acres of irrigable land on the south side of the stream, and of that amount 1,400 acres is now ready for cultivation.

Mr. MANN. There is, I believe, a proposition to erect a dam there, is there not?

Mr. HAYDEN. Yes.

Mr. MANN. How much of the 4,000 acres will be submerged if the San Carlos Dam is constructed?

Mr. HAYDEN. According to the report, the way I read it, these particular 4,000 acres, being located upon the south side of the Gila and above the junction of the two streams, would not be flooded, but could be used to create farms for the Indians whose farms might be flooded lower down near the reservoir.

Mr. MANN. How does the gentleman figure that out from the report? In the instructions we gave the engineers they were directed to locate the bridge so that the dam could be thereafter constructed and the bridge would not be under water.

Mr. HAYDEN. Yes.

Mr. MANN. What is there in the report that indicates that the 4,000 acres would not be submerged?

Mr. HAYDEN. I may be drawing on my knowledge of the geography of the country.

Mr. MANN. Or on the imagination.

Mr. HAYDEN. If the gentleman would permit me to draw on my imagination on the floor of the House, I might.

Mr. MANN. The gentleman said that he had no personal knowledge of this situation.

Mr. HAYDEN. Except by traveling across the reservation once.

Mr. MANN. The report says there are 4,000 acres of land, of which 1,400 have been and 700 more are being platted, and this land is divided into 118 small farms.

And immediately following that:

The construction of the proposed San Carlos Dam would submerge valuable land below the agency, and many Indian families will be compelled to find homes elsewhere. The amount of land that would be submerged and the number of Indians that would be disturbed are unknown to me.

The two are in that conjunction which would lead one not personally familiar with the physical condition there to suppose they related to the same matter.

Mr. HAYDEN. The Gila River flows westward—

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYDEN. This report states that these 4,000 acres of land are located east of the proposed site of the bridge. The river flows to the west. And if the bridge is located far enough upstream not to be submerged and this land is still to the east of the bridge, then the land naturally will not be submerged, because the basin of the reservoir is located lower down the valley.

Mr. MANN. That would bring one to the consideration of where the bridge is to be located. The gentleman says these 4,000 acres are east of the site of the bridge. Where is the bridge to be located?

Mr. HAYDEN. Six miles above the junction of the San Carlos and the Gila.

Mr. MANN. There are two bridges—and where else? I notice the report says 4 miles northeast of the San Carlos River. The gentleman says that the property just east of the San Carlos is east of the bridge. The report of the Secretary of the Interior says that the bridge will be 4 miles northeast of the San Carlos River. In order to assist the gentleman's recollection as to the physical condition of the ground there, I will state it is true that the Secretary of the Interior

locates the bridge 4 miles northeast of the San Carlos and the supervision of construction locates it 4 miles northwest of the San Carlos. I do not undertake to say where it is to be between these two points, 8 miles apart.

Mr. HAYDEN. If the gentleman will pardon me, there are two bridges.

Mr. MANN. I am talking about one bridge. It is true there are to be two bridges. I am talking about one bridge. Where is it to be?

Mr. HAYDEN. The engineer who was on the ground says:

In considering the best location for bridges above flow line of the proposed San Carlos Reservoir, it was found necessary to go approximately 6 miles northeast from the San Carlos railroad station on the Gila and 4 miles northwest on the San Carlos River.

Mr. MANN. Now, if the gentleman will pardon me, reading from the Secretary of the Interior, he says:

Therefore, in considering the best location for bridges above the flood line of the proposed San Carlos Reservoir, it was found necessary to go approximately 6 miles northeast of the San Carlos railroad station on the Gila and 4 miles northeast on the San Carlos River.

Mr. HAYDEN. Perhaps the Secretary of the Interior is in the same situation that I was when I first came to Washington. I have hardly yet found out which way is north. He may be suffering from the same sort of trouble.

Mr. MANN. But this is not a question of north. In both cases they located it north, but one says northeast and the other says northwest. I was trying to discover from the gentleman, who says he has been there, where the bridge is to be, especially in connection with this submerged land. With reports that the land that is now used by these Indians is likely to be submerged, and the Indians permanently removed, what is the object of building a bridge for their special accommodation?

Mr. HAYDEN. On the San Carlos River above the proposed bridge is the farming country of the Indians, and on the Gila River above the proposed bridge is the farming country of the Indians, and in order that these people may get together and go to the agency when the streams are high it is necessary that these two bridges be constructed; otherwise the reservation would be divided into three parts—that part which lies to the west of San Carlos, that part which lies in between the two streams, and that part south of the Gila.

Mr. MANN. Is the gentleman able to tell the House whether these Indians themselves have been consulted in reference to spending their money in the construction of a bridge partly for their use and partly for the use of the general public?

Mr. HAYDEN. I have no knowledge of anything having been submitted to the Indians.

Mr. MANN. Does not the gentleman think that if we are to build bridges for the use of certain people at some places at their expense that it will be just as well to know something about what they think about it?

Mr. HAYDEN. Well, I do not know that it has ever been the custom for the Indian Office to refer matters of this kind to the Indians. We are supposed, as their guardians, to know what is best for their interest and to act accordingly.

Mr. MANN. I suppose it has been the custom. I think, almost invariably in matters of this kind the superintendent who makes the report obtains or purports to obtain information as to the opinion of the Indians.

Mr. HAYDEN. There is nothing in this record on that subject.

Mr. MANN. I see there is nothing in this record on the subject. It might be these Indians would like to have this bridge built out of the Federal Treasury, because it would, at least, give some work to them. It might be that they would like to have it built at their own expense. It is quite certain that the white people who trade with them would be glad to have it built either out of the Federal Treasury or at the expense of the Indians if none of it comes out of their pockets; but does not the gentleman think we ought to consult the Indians somewhat as to whether we will use their funds to do something for their special good?

Mr. HAYDEN. They have no tribal funds at the present time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will not make the point of order. I think it has been shown clearly here that these Indians would be greatly benefited if they had these bridges, and unless money is spent by the United States Government for the purpose of building these

bridges and developing their lands they will remain there for hundreds of years, possibly, as they have in the past. I think it has been shown that it would be for the benefit of the Indians, that it would be for the benefit of the State and for the benefit of the white people of that country that these bridges and dams should be built in order that that land can be irrigated and the country developed. I desire to say, further, it is quite a hard matter to get a bill through separately. We could not now; we would have to wait until next year before anything can be done. The Government has been amply protected. We have spent a thousand dollars in having this examination made. It is perfectly satisfactory to the department, perfectly satisfactory to the Indian agent, and therefore why should not the gentleman be willing that this small amount of money be expended for the benefit of the Indians that will help them immensely in the future? It has been stated by the gentleman from Arizona [Mr. HAYDEN]—and I have been in that country and know his statement to be true—that this tribe will probably be the wealthiest tribe of Indians in the United States, and that undeveloped country will never be developed unless we build bridges and open up canals and irrigation projects. Every dollar is reimbursable; nothing comes out of the Treasury of the United States in the end but what will be reimbursed. We have constituted ourselves the guardians of these Indians, and as their guardians I feel it is our duty to protect them by giving them this small amount of their own money to build bridges for themselves.

Mr. MANN. Mr. Chairman, I think likely what the gentleman says may be true, and yet before we expend their money for this purpose I think it would be advisable to know what they think about it. I doubt whether the amendment would make it reimbursable.

Mr. STEPHENS of Texas. If there is any question, I will let the gentleman amend the amendment so there will be no question about it.

Mr. MANN. I heard the amendment read. I would have no objection to building bridges reimbursable out of the funds of the Indians, recommended by the Indian officers, which was agreeable to the Indians themselves, who proposed to use the bridges. However, Mr. Chairman, I think the item is subject to the point of order. There is no authorization for the bridge. There was in the last year's bill an item similar to the one which was embodied in the bill a few moments ago, providing for a survey and an estimate of cost, but it has been the ruling always that that did not commit the Government to a project, so that it is not a work in construction. There is no authorization of law, and no one pretends there is, for the construction of this bridge. I do not know whether the Chair cares to hear further on the subject or not.

Mr. STEPHENS of Texas. I desire to state simply that we only authorized the plans and specifications to be made, the cost estimated, and the matter was referred back to the House for further action, and we now have acted upon it and asked for this appropriation, as the Government is the general guardian for these Indians; and as there has been an Indian Bureau created under the act of 1832, the President of the United States and the Commissioner of Indian Affairs have the right to control, where they see proper, these Indian matters of every kind and character, and it seems that would be within our province, after we have gone to the trouble of having these surveys made and the estimates made, and determine the necessity for the purchase, as we have done. It has all been agreed on, and we should have the appropriation.

The CHAIRMAN. The Government has the largest control in relation to the Indian funds and Indian appropriations. So far as the House is concerned, it must stand by its rules, and the Chair sustains the point of order.

Mr. HAYDEN. Mr. Chairman, I ask permission to extend my remarks in the Record by printing in full some of the letters to which I referred.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the reading of the bill, under the head of "California," on page 10, commencing with line 18, and on page 11, from line 1 to 7, inclusive, be passed for to-day, and that it be taken up at the next meeting of the committee.

Mr. STEPHENS of Texas. The gentleman refers to the Committee on Indian Affairs?

Mr. RAKER. Yes; this committee here, which is now considering the bill.

Mr. STEPHENS of Texas. I have no objection to passing that part until we reach the close of the bill, but in the event of closing to-day we could take it up at the end of the bill.

The CHAIRMAN. A portion of the motion of the gentleman from California [Mr. RAKER] is that the part indicated by him shall be passed without prejudice for the present.

Mr. CARTER. Does that include the entire State?

Mr. RAKER. It includes it, as I understand, down to the word "Florida," line 8, on page 11.

Mr. MANN. Mr. Chairman, reserving the right to object, I will ask the chairman of the committee what his disposition is? I notice the gentleman from California [Mr. RAKER] first asked to have the California items passed for the day. The gentleman from Texas [Mr. STEPHENS] suggested that they pass to the end of the bill, which, of course, is perfectly agreeable. Will the gentleman let me know how long he intends to keep the House in session?

Mr. STEPHENS of Texas. I have a faint hope that we will get through with this bill to-day.

Mr. MANN. That may be true. But how long will the committee remain in session?

Mr. STEPHENS of Texas. That will be subject to the wish of the committee.

Mr. MANN. I know. But we might stay here until 12 o'clock to-night. What I want to know is whether the gentleman intends to keep the House in session longer on Saturday night than formerly?

Mr. STEPHENS of Texas. Oh, I think not.

Mr. MANN. It does not look to me, from the number of items in which myself and others are interested in this bill, that it is practical to finish the bill to-day by 5 o'clock.

Mr. STEPHENS of Texas. We can certainly do something on the bill.

Mr. MANN. There will be no objection to that. I simply wanted to know the disposition of the gentleman about it.

The CHAIRMAN. The motion of the gentleman from California [Mr. RAKER] is that the items as to California, down to the word "Florida," page 11, line 8, may be passed until the balance of the bill is completed, and that then the California items may be taken up for consideration. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. STEPHENS of Texas. Mr. Chairman, there has nothing been read since the California items have been passed. We have reached "Florida" and none of the items have been read.

Mr. MONDELL. That is the situation. But I made inquiry of the Chair whether the disposition of the matter just referred to would preclude my offering an amendment taking up the Wyoming item?

The CHAIRMAN. The Chair will state the situation, which is as indicated by the gentleman from Wyoming [Mr. MONDELL]. After we have disposed of the part referred to, the Chair will certainly, in pursuance of what he stated, recognize the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why the committee failed to insert in the bill an item contained in the estimates for the continuation of the construction of dikes and other protection for allotments on the Fort Mohave Reservation.

There would seem to be quite as urgent reasons for that particular item as for any of the items that are contained in the bill. It seems that the Cotton Land & Irrigation Co.—I get this from a hurried reading of the statement made by the commissioner—furnished the Government with the water rights of a certain acreage, 1,000 acres, it is stated, in lieu of a right of way across the reservation. That would seem on its face to be a rather liberal proposition, favorable to the Indians and the Government. Now, it has been discovered that the lands over which the water right is thus acquired are subject to overflow, and therefore the water right can not be utilized, because at times there is too much water coming from the rise of the river, and there is the necessity of building dikes for the purpose of protecting the lands to be irrigated, the water right for which is already acquired, from the rise of the river. Now, that would seem to be a mighty important thing.

Mr. STEPHENS of Texas. I think the gentleman has got the wrong idea here. I think the item under consideration begins on line 7 of page 10:

For completion of the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz.

Mr. MONDELL. My inquiry was why the committee in its wisdom—I assume it was in its wisdom, and I hope not in its lack of wisdom—failed to insert the item in the bill which I have just read. It occurs in the Book of Estimates just before the item to which my formal motion was made. The item was left out. Why?

Mr. STEPHENS of Texas. Because we did not think we were justified in inserting that item without information from the irrigation engineers and the parties in charge of the work on that reservation.

Mr. MONDELL. From a rather hurried reading of the statement, it seems to me quite clear that the Indians can not use the water rights they already have. This is exceedingly important. The department wants to secure an appropriation for these Indians. The department has been rather derelict in its duty in that regard in the past—not the recent past—and I am glad they are proposing to do this in this case. They ought to have the money necessary. The department does not ask much, but whatever is necessary they ought to have. They already have this 1,000 acres of land with the water right. The river rises and overflows the land. The water recedes, the land dries out, and the ditches are gone. They want some dikes to hold back the inundating floods. They want to appropriate some more water, and, of course, they will have to make surveys and prepare maps and plans in order to meet the requirements of the State engineer's office, and all that, and all that costs money.

Now, there is something said about the purchase of additional water rights at \$25 an acre. The committee may have some question as to the advisability of doing that, but the commissioner calls attention to the fact that the sum he seeks is primarily for the purpose I have indicated—that of building the dikes and acquiring the necessary water rights.

Mr. STEPHENS of Texas. And they are asking for 1,000 acres more. We were not willing to go into that.

Mr. MONDELL. Well, assuming that the committee was not prepared to have that done, surely that would not justify the denial of the request for sufficient money to build small dikes and to secure some water rights—in other words, to clinch what the Government now has and make it available for use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] complains that we left out here a \$50,000 item, and we did.

Mr. MONDELL. The gentleman should not reiterate the statement that I complained. I inquired in this case. I protested in the other.

Mr. FERRIS. Well, let it go at that. The gentleman inquired. I do not care to be technical about it. I do not want to misrepresent the gentleman. This calls for a new project of 1,000 acres of irrigable land, and it calls for a pumping plant. We have had a serious experience with pumping-plant projects down there, because the price per acre is more than the lessees are willing to pay, and the money is expended without getting anything of value in return. Now let me read what the department says:

This item should be a nonreimbursable appropriation. These Indians have but little assistance from the Government and are practically destitute and without resources. Great destruction has been done to their lands by the encroachment of the Colorado River.

Now, here is his estimate:

It is estimated that at a cost of \$35,000 water can be pumped onto 1,000 acres of irrigable land on the Nevada side of the river, and it is proposed that \$20,000 be used during the fiscal year 1914 to make a start on this work.

Now the facts are these: They get 1,000 acres of land irrigated from this Cotton Land Development Co. free. It costs the Government nothing. It costs the Indians nothing. This is afforded them by the company for the use of the water. We thought that that in all probability was as much or more than they would utilize and more than they would farm, and we did not want to launch out on a new project, on a pumping plant, which in all probability would cost so much that it would be prohibitive. The Director of the Reclamation Service, Mr. Newell, explained to us, not once but on nearly every one of these items, that where you have to lift the water out of the earth, the wear and tear of machinery and the rusting out and deterioration of the machinery makes the expense so high that it is often prohibitive.

The Indians do not farm as much in reality as this legislation and this justification would oftentimes indicate. The real truth about it is that a good deal of this land that is being irrigated at the expense of the Government is being used by

lessees of the Indians, who do the work for them. And, being constantly criticized by the House and by nearly everyone as we have been, we did not want to commit the Government to any new project, and that is the reason we left out the item for \$35,000.

Mr. MONDELL. If the gentleman will allow me, the beginning of the item is for continuing the construction of dikes and their protection, and attention is called to the fact that a continuation of the construction of these dikes is necessary to protect the land already irrigated, to what extent I do not know, but there is essentially a continuing expenditure. Then there is the part for securing an additional appropriation. Now, I agree entirely with the gentleman as to that part of the amendment which proposes new construction. I think that feature is probably questionable, but I think that the committee must have made a mistake in striking out the entire item, because there is a part of that expenditure which it seems to me is entirely necessary.

Mr. FERRIS. We gave them \$25,000.

Mr. MONDELL. Last year.

Mr. FERRIS. We gave them \$25,000 this year.

Mr. MONDELL. No; you did not give them anything. The item is not in the bill.

Mr. FERRIS. We gave them the same amount that we gave them last year. The thing the gentleman complains of is that we did not launch out on a new project costing \$35,000, which the Indian Office says must be nonreimbursable, so we will have no opportunity ever to reimburse it.

Mr. MONDELL. I think the gentleman is mistaken. This item was in the appropriation bill at \$25,000 last year.

Mr. FERRIS. We have it in the bill now, on page 10, lines 7 to 17, at \$25,000:

For completion of the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stats. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, \$25,000, reimbursable as provided in said act, and to remain available until expended.

Mr. MONDELL. I am not talking about the Colorado Indian Reservation item at all.

Mr. FERRIS. What item is the gentleman talking about?

Mr. MONDELL. About the item in the Book of Estimates above that. That is not in the bill.

Mr. FERRIS. That is a new item entirely. It was not in the bill last year.

Mr. MONDELL. Then the Book of Estimates is in error.

Mr. FERRIS. The Book of Estimates does not contain what was in the bill last year. It merely contains what the department suggested.

Mr. MONDELL. The Book of Estimates contains the statement of what was in the bill last year.

Mr. FERRIS. This was not in the bill last year.

Mr. MONDELL. What I refer to is the act of August 24, 1912, volume 37, page 533, section 25, \$25,000. I do not know whether that is the same item or not, but the Book of Estimates indicates that this item was in the bill last year for \$25,000.

Mr. FERRIS. It was in the bill last year and it is in the bill this year. There is nothing left out of the bill this year that was in last year. We merely refused to put new stuff in.

Mr. MONDELL. Where?

Mr. FERRIS. In the same place, beginning with line 7, on page 10, and ending with line 17, on page 10.

Mr. MONDELL. On the contrary, the item that the gentleman refers to is an entirely different item. I am talking about the Mojave Reservation item. The gentleman is talking about the Colorado River Indian Reservation. I am talking about an item that is not in the bill, but which is in the Book of Estimates.

Mr. FERRIS. We did not allow the item.

Mr. MONDELL. The gentleman stated that it was in the bill.

Mr. FERRIS. It is not. Last year the bill carried this language: "For continuing the construction of dikes or other protection for the allotments on the Fort Mojave Reservation, \$25,000." That was to build dikes to be constructed for the benefit of the Fort Mojave Indians. The Indian Committee investigated that fully and believed that the \$25,000 was sufficient for continuing the construction of the dikes. But the department sought a new section, and they inserted another item in the bottom of the bill they sent to us, reading in this way, "To purchase additional water rights for \$50,000"; and

that is the reason why we did not insert it, because they wanted to put in a thousand acres more, costing \$50,000 for the new project, and that is the reason we did not grant it.

The Clerk read as follows:

FLORIDA.

SEC. 4. The unexpended balance of the appropriation of \$10,000 "for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," made in the Indian appropriation act approved March 3, 1911, is hereby reappropriated and made available.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word for the purpose of inquiring why the committee left out the three last items in the Book of Estimates following the item we have just passed, the last item on page 10.

Mr. STEPHENS of Texas. We have just read the item relative to Florida.

Mr. MONDELL. I realize that we have, but I desire to ask about an item not in the bill. I assume that I can make that inquiry as well after the Florida item was read as I could after the reading of any other item, because these items would have been in the bill before we reached the Florida item, but as they were not in the bill I could not call attention to an item that was not read.

Mr. STEPHENS of Texas. What item does the gentleman refer to?

Mr. MONDELL. I will read them:

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated.

Mr. STEPHENS of Texas. But, Mr. Chairman, we have passed Arizona to which those items relate.

Mr. MONDELL. Yes; but I rose to ask a question of the chairman why the committee in its wisdom left the item out, and also another item following it, the water supply for the Navajo Indians, \$100,000. And another item for enlarging the irrigation system for the protection and irrigation of Indian lands within the Camp McDowell Indian Reservation, Ariz., \$30,000. These two last items are new items, but the first item I read is an item proposing to carry out a treaty stipulation.

Mr. STEPHENS of Texas. I desire to answer the gentleman fully. I presume the Committee on Indian Affairs has the right to legislate by adopting the legislation asked for of the House by the department, or we have the right to reject it, and we saw proper to reject it. That is the only statement I can make.

Mr. MONDELL. I realize that the gentleman's committee saw fit to reject it, but is it not proper for me to ask the chairman for the reasons that led the committee to reject it? Did they investigate it?

Mr. STEPHENS of Texas. We investigated every item presented to us, and after a full examination of this matter we thought that we could not afford at the present time and under present conditions to allow these matters to creep into the bill.

Mr. MONDELL. I do not understand how the committee could well refuse to take action in regard to this matter, and I can not find anything in the hearings to indicate that the committee went into it at any length.

Mr. STEPHENS of Texas. I do not know that we are responsible to the gentleman from Wyoming for our action. We thought we were responsible to the House and that we were justified in not reporting the items.

Mr. MONDELL. If the chairman of the committee does not want to answer—

Mr. STEPHENS of Texas. I have answered the gentleman as fully as I can.

Mr. MONDELL. Why, he can do so. He is not responsible to me at all.

Mr. STEPHENS of Texas. I am not responsible for the committee I preside over except as one of its members.

Mr. MONDELL. I deem it my duty to be informed as to these matters, and I simply asked a question, which I think is a very proper question, why the committee saw fit to leave these items out of the bill.

Mr. STEPHENS of Texas. I will again make as succinct an answer as I can. We did not think the condition of the Treasury justified us in making these appropriations at this time, and the committee was of the unanimous opinion that they should not now be granted.

Mr. MONDELL. You did not think it necessary to discuss the matter with the commissioner.

Mr. STEPHENS of Texas. Oh, there were hearings on every item. We had the commissioner and the clerks before us, both the chief clerk and the Assistant Commissioner of Indian Affairs. If the gentleman will turn to pages 56, 57, and 58 of the printed hearings of this session he will find that matter fully discussed, and I do not think it is necessary to discuss it again on this floor.

Mr. MONDELL. There was very little inquiry with regard to the Camp McDowell matter, and that is a matter that has been agitated a good deal in the past year.

Mr. STEPHENS of Texas. I will refer the gentleman to the printed hearings and the statements I made. I think that is a sufficient answer.

Mr. MONDELL. The gentleman may consider it sufficient. It does not seem to me there is any sufficient answer in the hearings as printed.

Mr. MANN. Mr. Chairman, I move to strike out the last two words for the purpose of asking the distinguished gentleman from Texas [Mr. STEPHENS] a question, hoping I will get more information than the gentleman from Wyoming [Mr. MONDELL] obtained by his question.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will let the gentleman read in his own time the reasons given by the committee why they did not permit those three items to go into the bill.

Mr. MANN. Mr. Chairman, the gentleman from Texas and myself have very different ideas of the duties of a man in charge of a bill. When the gentleman in charge of a bill is asked a question in regard to the bill, I have never understood that it was a sufficient answer to reply "Read the hearings," because everybody knows every Member of the House can not read the hearings before all the committees. It is expected that when a gentleman in charge of a bill has had hearings and is asked a question on the floor of the House that he will be able to tell in a succinct way the substance of his position and what is in the hearings, without advising the gentleman asking the question to go and read the hearings, which in this case were only recently printed, and in any event were never had before the full committee. Those hearings were had before only three members of the Committee on Indian Affairs, which is an outrageous way of conducting a hearing.

Mr. STEPHENS of Texas. We had the stenographic report from the reporters after it had been written out in full before the full committee, and any member of the committee could take up those reports and have them fully investigated.

Mr. MANN. How could any member take up a stenographic report and do that, with only one copy of the report for a committee of how many members?

Mr. STEPHENS of Texas. We had three copies.

Mr. MANN. The bill was reported before anybody had a chance to read the report, and, as the gentleman stated once before on the floor of the House, before the stenographic report had been transcribed. It had not been printed, because it had not been transcribed.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. MANN. No; because I want to ask a question about the bill. I want to ask how much money has been expended out of this \$10,000 for the Florida Indians, where it is now proposed to reappropriate the unexpended balance? Has any one cent of it ever been paid to any Florida Indian?

Mr. STEPHENS of Texas. I will refer the gentleman to the top of page 61 of the hearings:

The unexpended balance of the appropriation of \$10,000 "for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," made in the Indian appropriation act approved March 3, 1911, is hereby reappropriated and made available.

The Indians of Florida are becoming less and less able to provide for themselves from revenues derived from hunting and fishing, which is practically the only occupation they know, owing to the reclaiming of the Everglades. They have been slow to accept the aid of the Government, although land has been provided for them, which it is expected they will settle upon and improve when their present haunts are made to disappear. They are not citizens of the State of Florida, and inasmuch as their situation is liable to become acute at any time funds should be available for their relief.

Mr. MANN. Oh, that is in the Book of Estimates, and I read that before the bill had been reported. It is just as well to put it in here, but that does not answer the question. Two or three years ago we appropriated \$10,000 for the support and maintenance of Indians in Florida. Last year we reappropriated the unexpended balance. It is now proposed to reappropriate the unexpended balance. How much is the unexpended balance?

Mr. STEPHENS of Texas. I have it right here.

Mr. MANN. How much of the money that has been expended has been paid to the Indians and how much has been used by the department?

Mr. STEPHENS of Texas. There was \$154 expended for the purpose of investigating this matter, leaving a balance of \$9,846 out of the \$10,000. Here is an analysis. Salaries and wages \$100, traveling expenses \$54, total \$154. Taking that from \$10,000 it leaves a balance of \$9,846.

Mr. MANN. I think the gentleman's arithmetic is correct. Now, for two years we have carried this appropriation for the support of Indians in Florida. The temptation has not proven beyond the control of the gentleman in charge of the Indian Office. There never was any occasion for appropriating one cent for those Indians. I tried to persuade the House to that effect when we made the first appropriation, but the Committee on Appropriations represented how much money we would have to expend to keep these Indians there from starving to death. They had the money two years and have not expended one cent except \$154 for some gentleman to take a nice trip to Florida during the wintertime.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. I always yield.

Mr. FERRIS. I desire to say to the gentleman that the President has really taken some steps. These Indians in the Everglades are as wild as rabbits, and up to this time they have not been able to do anything with them, but the President has by Executive order set aside a tract of land comprising 85,000 acres and the Indian Office has tried to get these Indians on it, tried to get hold of them, lasso them, or catch them in some other way, and put them on it.

Mr. MANN. This talk about the Indians being so wild is all fudge.

Mr. FERRIS. Well, the Indian Office does not say so.

Mr. MANN. What do they know about it?

Mr. FERRIS. They have been down there.

Mr. MANN. They sent one man on a winter trip, at a cost of \$154; that is all they know about it. They do not know anything about it. There never was any occasion for the Government spending a cent on these Indians down there; they are not asking it.

Mr. FERRIS. They have not got sense enough to ask anything.

Mr. MANN. The gentleman need not be alarmed; they have got a great deal more sense than some of the native crackers of Florida and are quite able to take care of themselves; they are pretty bright people down there.

Mr. FERRIS. They are the wildest Indians in the United States, whatever the gentleman says.

Mr. MANN. But the gentleman knows people who are so wild usually do not live down in that hot climate around the water; they are not so wild.

Mr. FERRIS. Just one word further. They have not spent but \$154 up to this time, so it has not been costing the Government very much.

Mr. MANN. No; it has not been costing the Government; that is true. But is that a reason for making the appropriation?

Mr. FERRIS. As long as the President has set aside a reservation of 80,000 acres and as long as the Indian Office was trying in good faith to get the Indians on it, it seems to me it is not too much to follow up the judgment of two prior Congresses which have set aside \$10,000 to be expended for that purpose and which up to this time has not been spent. It does not carry anything, but is merely a reappropriation.

Mr. MANN. I understand you do not include it in the total appropriation where it belongs. You do not call it part of the appropriation bill, although in fact it really is.

Mr. CARTER. Mr. Chairman, it would not be necessary, I think, to have an appropriation for investigation of the Seminole Indians of Florida unless something is accomplished toward draining the Everglades.

I have made trips through Florida both ways, north and south and east and west, and met a good many of these Indians. I found very few of them able to speak any English at all. While they may not be classed as wild Indians they are certainly very primitive Indians and know very little about the white man's way of sustaining themselves.

Originally they owned the State of Florida and perhaps a portion of some of the surrounding States. They have been driven back and narrowed down now to the Everglades. If the Everglades are drained and inhabited by the white man, then some place must be found on which they can make their existence, because the Everglades no longer belong to them.

legally, and as this work progresses there is going to be some necessity for an investigation of the condition of these people to find out just what should be done with them and just what can be done for them, and for that reason I think this appropriation of \$10,000 should remain in the bill until it is made use of for their benefit or until a final investigation of the question is made by the department.

Mr. AUSTIN. How many are there?

Mr. CARTER. One of the purposes of this investigation is to find out the number of Indians and to enroll them.

Mr. AUSTIN. Would not the census report of Florida show that?

Mr. CARTER. A census report never shows conclusively the exact number of any people of any nationality. It shows in a general way, but does not show as definitely as would be necessary for allotment purposes or for support and civilization. I think there are about 400 of them.

Mr. MOORE of Pennsylvania. A great many of these Indians drift into Miami and St. Augustine and Jacksonville. They drift out of the Everglades and go into these cities.

Mr. CARTER. I did not meet any in Jacksonville, but saw several at Miami.

Mr. MOORE of Pennsylvania. I have gone through the Everglades and I have seen those Indians seemingly engaged in pursuits, selling trinkets and cotton goods, and coming into town to make purchases. Does the gentleman infer when he speaks of those Indians with whom he came in contact, that they were supposed to live far off in the Everglades and out of reach of civilization and did not come into town?

Mr. CARTER. Those I saw were mostly Indians who came into town, and if those remotely removed from civilization are any less capable than those I met in the towns, then, indeed, they need some care from the Federal Government.

Mr. MOORE of Pennsylvania. Well, some of them assuredly are self-supporting.

Mr. CARTER. That is true as long as the fish and game remain in the Everglades.

Mr. MOORE of Pennsylvania. Some of them act as guides out of Miami.

Mr. CARTER. And if the Everglades remain, will there be use for guides?

Mr. MOORE of Pennsylvania. The State of Florida is already draining the Everglades, and there is a constant report concerning the condition of the Indians.

Mr. CARTER. The Indian as an attraction has got to be done away with as civilization progresses, and these Indians will have to be given some attention in order that they may be made a self-supporting, self-reliant people.

Mr. MOORE of Pennsylvania. That is what I should like to see, but the gentleman from Oklahoma [Mr. FERRIS] spoke of the Seminoles as wild rabbits, but that statement is somewhat modified by the gentleman from Oklahoma [Mr. CARTER]. They certainly do fraternize with the white man and come out in the open, although there is certainly a mystery concerning those who live far off in the Everglades, and are never supposed to get into a civilized territory—

Mr. CARTER. Undoubtedly.

Mr. MOORE of Pennsylvania. But an improvement has been made in the Seminoles.

Mr. CARTER. The Government owes something to the Seminoles of Florida, both on the grounds of having deprived them of millions of dollars' worth of valuable property and on account of their incapacity, for as soon as their native haunts, the Everglades, are destroyed as hunting and fishing grounds they will become poverty-stricken and degenerate to the level of beggars and mendicants. But if the proper care and supervision are accorded them they may become substantial, self-reliant citizens.

Mr. MOORE of Pennsylvania. Does not the gentleman, who is so conversant with the ramifications of the subject, think the Seminole will take up all the farm land of Florida, which is also an inducement to the white man?

Mr. CARTER. I think they will, if they are given proper attention and proper care along certain lines by the Federal Government, be merged into our citizenship. Without that care and attention they may become extinct in a few years and pass out of existence, as is usually the case when nothing is done for helpless people.

Mr. MOORE of Pennsylvania. But will this \$10,000 be a drop in the bucket? Would it not constitute a temptation for investigation like those which have already been made for acquiring information which the State of Florida has made?

Mr. CARTER. The real purpose of this \$10,000 item is investigation. It has been explained in the House that the President has set aside a certain amount of land for them, and now it is going to take some money to investigate and find out who are Seminoles, and find out when and how they shall be placed on the land.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. CARTER] has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized for five minutes more.

Mr. MOORE of Pennsylvania. The item of \$10,000 provides for the relief of distress among the Seminole Indians. It is not a question of investigation at all. That is the point that I am making.

Mr. STEPHENS of Texas. It is a question of reappropriation, I will state to the gentleman from Pennsylvania. It is made available in accordance with the provisions of the act of March 3, 1911.

Mr. MOORE of Pennsylvania. I have not the act before me. I have the bill. The bill says, in quotation marks, "For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," so that it is not a question of information and it is not a question of investigation or securing any more data than we already have on this subject. As presented to the House, the proposition is that we shall lay aside this \$10,000 for possible relief of distress that may occur among the Seminoles.

Mr. CARTER. I think, Mr. Chairman, we can assume that before we can relieve distress we must first investigate about the relief of that distress and to what extent relief can be given.

Mr. MOORE of Pennsylvania. Yet we have a statement here that but little over \$100 has been spent for an investigation of a situation concerning which we have very little information before the committee, so that it would seem that the main purpose of the item pending here is to send people down there to look into the Everglades, which has been done time and time again, and to withhold that fund until the department is assured by somebody that the Indians are in distress.

Mr. CARTER. Perhaps, Mr. Chairman, the wording of the provision might be changed to advantage. What should be done, in my opinion, is that an investigation should be made at the earliest possible moment of the condition of these people and the number of them, the number of acres that would be required for their allotments, and as to what plan should be pursued by the Federal Government for their education and civilization.

Mr. MOORE of Pennsylvania. They should be treated as other Indians are treated.

Mr. CARTER. Yes. That is the point exactly. Certainly they should be treated as other Indians are treated. The time has probably not come yet when any funds might be used for the relief of distress among them, because, as I stated two or three times already, as long as the Everglades are there they will probably not need any relief from distress, but they do need something for civilization. Something is needed, I think, for investigation of the condition.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wyoming?

Mr. CARTER. Yes; I yield to the gentleman from Wyoming.

Mr. MONDELL. The gentleman suggests that we should care for these Indians, particularly if the Everglades are drained. Is not the gentleman aware of the fact that practically all of those lands have gone to the State of Florida, and that they are the property of the State of Florida, and that they have been disposed of, substantially? Why should not the State of Florida take care of these poor, unfortunate people?

Mr. CARTER. It is not, I think, and it has never been the policy of the Federal Government to impose those duties on the States. I am free to admit that in some cases the States might do this better than the Federal Government, but, as the gentleman well knows, since the inception of this Government its avowed policy has been to care for the Indians itself, and care for Indian affairs, especially of those of Indians that are helpless and incompetent.

Mr. MONDELL. But these are Indians that have never been placed on a reservation.

Mr. CARTER. They ought to be allotted. I do not believe in the reservation system.

Mr. MONDELL. They have never been on a reservation. They have never been under Government care. They are part of the State of Florida. The State of Florida occupies the lands. They hunt and fish over them. Why should not the State of Florida take care of them?

Mr. CARTER. The same thing might apply to the gentleman's own State or to the State which I have the honor in part to represent.

Mr. MONDELL. I hope, if the time ever comes that the people of my State have received from the Indians all the property they have in the State, we will not forevermore be calling upon the Federal Government to take care of our own unfortunates. I do not think that is good policy.

Mr. CARTER. Is the gentleman so sure—

Mr. MONDELL. Of course, I realize that the gentleman, being from Oklahoma, wants to fortify himself on that proposition, because he may be looking forward to the time—

Mr. CARTER. On what proposition?

Mr. MONDELL. On the proposition that the Federal Government must forevermore care for those who are unfortunate and unable to take care of themselves and who may have a strain of Indian blood in them. I say that because the gentleman from Oklahoma has a great many such people in his State.

Mr. CARTER. Does the gentleman mean that personally?

Mr. MONDELL. Oh, no. The gentleman from Oklahoma, to whom I am now addressing my remarks, is always able to take care of himself, and always will be, and I am sure his posterity will be.

Mr. MANN. I hope the gentleman from Oklahoma will be supported at the expense of the Government as long as he lives. [Laughter.]

Mr. MONDELL. In his present position. I join in that hope.

Mr. CARTER. I thank both gentlemen. Now I will yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. I simply desired to make a statement in connection with what the gentleman was then saying, but I would rather be recognized in my own right now.

Mr. CARTER. I think I have said about all I cared to say.

Mr. MILLER. Mr. Chairman, my recollection of the time when this item was first inserted in the bill is rather distinct. I think it was three years ago that representation was made to the committee that the Seminoles of Florida were in a distressing condition, and needed some immediate aid from the Government. I think it is necessary that we should bear in mind that these particular Seminoles are those who refused to migrate or leave their native place when the main body of the Seminoles were removed to what is now Oklahoma. In other words, these Indians are refugees. They are swamp birds. They are unrelated to any other band of Indians. They have no means, they have no property. All the ownership they have of anything is so much of the air as they breathe and so much of the fruit of the trees as they can gather that nature gives them. It was represented at that time that they were in a distressing condition and that they needed \$10,000 to aid them.

Now, I do not think it is at all wise to suggest that the State of Florida should be required or expected to take care of these Indians. Everybody knows that the State of Florida will not do it. No State has ever done it. No State expects to do it. These Indians, if they are wards of any sovereignty, are the wards of the Federal Government, and it is the duty of the Federal Government to take care of them, as it has been the duty of the Federal Government to take care of Indians everywhere.

Mr. MONDELL. The gentleman comes from a State having a considerable Indian population?

Mr. MILLER. Yes.

Mr. MONDELL. I suppose that has nothing to do with the gentleman's position.

Mr. MILLER. They do not draw one cent from the Federal Treasury, but pay their own expenses.

Mr. MONDELL. That is as it should be, and I am surprised that the gentleman does not want the State of Florida to adopt the same methods.

Mr. MILLER. I do; but here are refugees without any property, without a tribe, without a home that they can call their own.

Mr. MONDELL. Has it come to this—that the great State of Florida, a beneficiary of the Government to the extent of

12,000,000 acres of swamp land, is so unmindful of the people of its State that it will not support them because the strong arm of the Federal Government does not reach out and protect them? I have no such low estimate of the character of the people of Florida or the State of Florida. I think they can be depended upon to do the right thing.

Mr. MILLER. Mr. Chairman, I did not yield to the gentleman from Wyoming to make a speech. He has made his speech repeatedly, and I have always listened to it with pleasure. The last time he made it with greater emphasis than before, and I listened to it with greater pleasure on my part. I want to say that I do not deem it my duty to defend the State of Florida, but I do believe the State of Florida has taken as much care of its people and spent as much of its own money to care for the Seminoles in the Everglades as the State of Wyoming has spent on the Indians of that State.

Mr. STEPHENS of Texas. Mr. Chairman—

Mr. MILLER. I have not quite closed.

Mr. STEPHENS of Texas. I simply want to ask unanimous consent that all debate on this paragraph close in five minutes. The CHAIRMAN. Without objection, the request of the gentleman from Texas will be considered as agreed to.

There was no objection.

Mr. MILLER. Mr. Chairman—

Mr. FOWLER. Mr. Chairman, I rise to a point of order.

Mr. MILLER. I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. FOWLER. The gentleman from Minnesota has the floor, and there was one motion pending before the House at the time when the gentleman from Texas made the motion to limit debate on this paragraph to five minutes.

The CHAIRMAN. That was only by unanimous consent that the Chair put it in that way. The Chair did not state it in a formal way, but if the committee desires will do so.

Mr. FOWLER. I desire to inquire of the Chair if it is not in effect a motion?

The CHAIRMAN. It is.

Mr. FOWLER. Then there can not be two motions pending before the House at the same time.

The CHAIRMAN. Only by unanimous consent; you can do anything by unanimous consent. The gentleman from Minnesota did not object to the request made by the gentleman from Texas in his time.

Mr. MILLER. No; but I shall object to my five minutes being consumed by the discussion of this point of order.

The CHAIRMAN. This does not come out of the gentleman's time.

Mr. MILLER. Mr. Chairman, I desire in addition to state that the urgency of the situation existed three years ago, because the Committee on Indian Affairs of the House incorporated this appropriation. I remember a year ago when this item came back as one not having been expended and to be re-appropriated it was remarked that the department had done nothing toward relieving the distress among these Indians. That comes back to-day with greater strength than a year ago, and I for one believe that there should be incorporated in the item a requirement that the department should make a detailed statement of the situation respecting the Indians within the current year.

Mr. FOWLER. Mr. Chairman, I desire to ask the chairman in charge of this committee a few questions with reference to determining the status of the Indians in Florida. I understood from the speech of the gentleman from Minnesota that these Florida Indians are refugees. Now, I have always understood, Mr. Chairman, that they are descendants of the Indians who were originally found in Florida at the discovery of America, or of that portion thereof, and that when the Seminole Indians were transferred from Florida to the West these Indians or their ancestors were so devoted to their homes that they refused to leave and go to the mountains, where there was nothing but rocks and rills. They desired to stay in the fertile land of flowers amid the Everglades. Mr. Chairman, I desire to ask the gentleman, the distinguished chairman of this committee, if anything has ever been done for the purpose of aiding these Indians in Florida in their civilization and education?

Mr. STEPHENS of Texas. That was the purpose of this appropriation—for the relief of distress among the Seminole Indians in Florida, and for the purpose of their civilization. An investigation is being made by the department as to how best to accomplish that purpose.

Mr. FOWLER. Nothing has ever been done in the way of their education?

Mr. STEPHENS of Texas. No; because they have not determined as yet what is the best means to pursue in order to educate and civilize them.

Mr. FOWLER. They have always taken care of themselves?

Mr. STEPHENS of Texas. Up to the present time; but it is believed they can not do it in the future, owing to the fact that the Everglades are being drained and the land parceled out and sold, so that they will have no hunting and fishing grounds.

Mr. FOWLER. No land has been allotted to them in the State of Florida?

Mr. STEPHENS of Texas. It is proposed to do that.

Mr. FOWLER. Is that the contention of the committee—that this appropriation is intended for that?

Mr. STEPHENS of Texas. It is intended to see how best to accomplish the purpose of the bill, which is to relieve the distress among them and to civilize them.

Mr. FOWLER. Does the gentleman not think that as much attention ought to be given to these Indians as is given by the Government to any other Indians in the United States?

Mr. STEPHENS of Texas. That is exactly what we are endeavoring to do, and that is the object and purpose of the bill.

Mr. FOWLER. But, in fact, are they not more dependent now than many other tribes of Indians because of a lack on the part of the Government in the past in giving them the proper attention and the appropriations necessary for their education and civilization?

Mr. STEPHENS of Texas. I think so. I will state to the gentleman that it was only a year ago that their condition became known, for the reason that the Everglades had theretofore furnished them hunting and fishing grounds and it was not necessary to take care of them.

Mr. FOWLER. Is the remainder of the appropriation of \$10,000 made two years ago anything like adequate to care for those Indians at the present time?

Mr. STEPHENS of Texas. It is, because they have spent less than \$500 of that appropriation.

Mr. FOWLER. I know that is true, according to the report; but does the gentleman think the department did its duty toward the maintenance, education, and civilization of these Indians in Florida?

Mr. STEPHENS of Texas. The presumption is that the department did. The men in the department are officers of the law.

Mr. FOWLER. That is the presumption, but is it not a very violent one?

Mr. STEPHENS of Texas. I can not answer the gentleman's question.

Mr. FOWLER. Mr. Chairman, I am not only in favor of this appropriation, but I would go much further than that and would extend the helping hand of this Government to these unfortunate people in a much larger sum than this bill proposes to carry; and I say, Mr. Chairman, with respect to the gentleman from Minnesota [Mr. MILLER], that I do not regard them in any other sense than that they are upon the same footing and the same basis as the other Indians in this country, and that we owe to them the same duty that we owe to the other Indians of the country.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman permit a question?

Mr. FOWLER. Certainly.

Mr. STEPHENS of Texas. The Government, by Executive order of the President, has set apart about 85,000 acres of land in these everglades for these Indians. They will not occupy it. What would the gentleman do if he were the Secretary of the Interior or the Commissioner of the Land Office? Would he catch those Indians and hold them on their allotments?

Mr. FOWLER. Mr. Chairman, if the incoming President should make me Secretary of the Interior, which I know he will not do, then I shall be in a better condition to answer that question after some experience.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

IDAHO.

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, \$30,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. A few moments ago I made inquiries of the chairman of the committee in entire good faith relative to three items which had been submitted in the Book of Estimates—

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order that we are not on those items at the present time,

and I ask that the gentleman be confined to the matter before the committee—

The CHAIRMAN. As far as the gentleman has gone, he has referred to matters that have been disposed of in connection with what he intends to say.

Mr. STEPHENS of Texas. We are now under the head of "Idaho," and the gentleman desires to go back to some items under the head of "Wyoming."

Mr. MONDELL. Mr. Chairman, I am willing to discuss the Idaho item. Before us is an item for the support of Indians on the Fort Hall Indian Reservation. The committee proposes to expend \$30,000 for that purpose. I do not know we are under any treaty obligation to do it, but the committee proposes to do it; probably it is proper they should; but the committee when I asked why they did not include in the bill a provision for \$150,000 or any part of it to carry out the obligation of the Government under the treaty with the Navajos, referred me to the hearings. Well, now, I did not want to be too insistent at the time. I had not been able to find anything about it in the hearings and I feared I had overlooked it and I have gone through the hearings again and I can not find a single solitary word in the hearings relative to the item to which I have referred.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes; in just a moment. In regard to the item for fulfilling treaties with the Navajos I can not find anything. If there is anything in the hearings in regard to the item I will be glad to read it, but I have not seen it.

Mr. FERRIS. I take it the gentleman is proceeding in good faith, and the facts are these: The original book of justifications, which I hold in my hand, has nothing in relation to these three items. Finally they came up with three supplemental estimates in three separate—

Mr. MONDELL. They came in time to get in the Book of Estimates.

Mr. FERRIS. They were new provisions providing for new projects. The committee, which were perhaps in error, in accordance with the judgment of the gentleman, refused to accept them. The first item the gentleman refers to has this:

The CHAIRMAN. The next item is at the top of page 22, as follows: "For the development of a water supply for the Navajo Indians, \$100,000, to be immediately available and to remain available until expended, \$100,000." This is a new item. It has never been carried in a bill in any shape that I am familiar with.

Mr. MONDELL. If the gentleman will allow me, I find there was a little discussion of two items, but on the other and more important item there was no discussion whatever. Now, if the gentleman says that the committee had a general policy under which it refused to take into consideration any new matter, why that is an explanation. It may not be satisfactory, but it is an explanation.

Mr. FERRIS. That was the view of the committee—that we should not start in with a lot of new projects.

Mr. MONDELL. The chairman could have informed the committee to that effect when I made the inquiry that these items were not considered because it was the thought of the committee that they should not add any new items to the bill.

Mr. STEPHENS of Texas. That is exactly what I stated, Mr. Chairman.

Mr. MONDELL. Without consideration of their merits.

The Clerk read as follows:

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), \$5,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman about this Fort Hall irrigation project. This does not seem to be reimbursable. My understanding is these Fort Hall Indians have a very large and valuable reservation, and it seems to me if they have—I may be misinformed—that that ought to be a reimbursable item. That is on page 11, lines 19 and 20.

Mr. STEPHENS of Texas. The gentleman desires to know whether it is reimbursable?

Mr. MONDELL. It clearly is not reimbursable. My inquiry is why it is not reimbursable.

Mr. STEPHENS of Texas. Because it was not supposed, after there had been allotted to the Indians the amount of land that the bill called for, that there would be a sufficient balance to reimburse for this vast amount of money it would take to put on this irrigation plant.

Mr. MONDELL. My recollection is—and if I am wrong I hope the chairman will correct me—there is a large irrigation enterprise there. It was constructed under an act of Congress,

and that act of Congress was peculiarly worded, so, as a matter of fact, the Indians, instead of paying anything like what the project cost, only paid a small proportion of what the project cost, and this is a continuation.

Mr. MANN. Will the gentleman pardon me?

Mr. MONDELL. In just a moment. This ought to be reimbursable, all the same, because it is for maintenance and operation. Now, does the gentleman think that we ought to first build irrigation projects for the Indians and not charge them for it and then proceed to maintain them for all time to come without charge? Should not the Indian at least be given to understand that he must exert himself to maintain his enterprise after it has been built? We may not secure from the Indian these sums, but he at least ought to understand that he must take care of his own property.

Mr. MANN. As the chairman of the committee does not seem to have the information at hand, may I give the gentleman the information? In fact, this is a reimbursable item, and under the law now maintenance charges are collected from the 12,000 acres included in the irrigation scheme, but that money has to be placed in the Treasury and can not be paid out without an appropriation; and this is merely an appropriation for maintenance, which is covered by maintenance charges turned into the Treasury.

Mr. MONDELL. Is the gentleman certain that this would be reimbursable, without so stating?

Mr. MANN. I will read the information, which I call to the attention of the chairman of the committee, so that he may have it.

Mr. STEPHENS of Texas. I have the information here.

Mr. MANN. In the statement justifying the appropriation is this statement—

Mr. STEPHENS of Texas. I desire to inquire what the gentleman is reading.

Mr. MANN. If the gentleman will not interrupt me, I desire to read this first:

Though the 12,000 acres on the ceded strip bear maintenance assessments, the amounts collected have to be turned in to the Public Treasury and are not available for expenditure. It is, therefore, necessary that Congress appropriate for the upkeep and operation of this expensive system.

Mr. STEPHENS of Texas. I will state to the gentleman that I asked the question of the Indian Commissioner.

Mr. MANN. I think the gentleman covered it fully in the hearing. I have no question as to that.

Mr. STEPHENS of Texas. This is the question I asked:

The CHAIRMAN. That is the same as last year. Does it cost that much every year to keep up a ditch, and is that going to be perpetual, to supply the Indians?

To which Mr. Connor, the agency engineer, answered as follows:

Mr. CONNOR. It will probably be perpetual until the Indians get to the point of paying for their own maintenance. That is, farming their lands and producing something from them. We are collecting maintenance there from the first water users at the rate of \$1 per acre every year, but we have no authority of law to use that money without further appropriation. It only amounts to \$800 or \$1,000 per year at the present state of development.

The Clerk read as follows:

IOWA.

SEC. 6. For pay of one financial clerk, at \$600, and one physician, at \$480 per annum, at the Sac and Fox Agency, Iowa; in all, \$1,080.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In the two items last read the current law provides for the employment of certain clerks in addition to the two employees already provided for. I notice that expression is left out of this appropriation.

Mr. STEPHENS of Texas. That was carried in the lump-sum appropriation, and it was explained that we already had them appropriated for before.

Mr. MANN. Will they still have authority to employ additional clerks?

Mr. STEPHENS of Texas. I think not.

Mr. MANN. How was it carried in the lump sum?

Mr. STEPHENS of Texas. It was carried in the lump sum, but was deducted from it.

Mr. MANN. But this financial clerk at \$600 and the physician at \$400 were carried in the current appropriation bill, and there was also provided additional employees already provided for by law. Now, is it intended to have no other employees?

Mr. STEPHENS of Texas. We have the same employees as heretofore, but instead of putting them in the lump-sum appropriation they put them in specifically.

Mr. MANN. The gentleman is mistaken about that. The two employees appropriated for here were specifically appropriated for in the last appropriation bill. Are there any other employees there, and what was the reason for leaving out the provision? There might be other employees otherwise provided for. I would like to know if there was any special reason for it.

The Clerk read as follows:

KANSAS.

SEC. 7. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, \$127,750; for general repairs and improvements, \$11,000; in all, \$138,750.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman able without any difficulty to give us the expense per pupil at this Haskell school?

Mr. STEPHENS of Texas. You desire the per capita? The cost per capita is \$185. The number of employees is 67, and the enrollment of the school is 768, while the capacity is 750, showing that it has a few scholars over the capacity.

Mr. MANN. The Haskell school is a special school?

Mr. STEPHENS of Texas. It is especially appropriated for. Mr. MANN. Yes, I know; but it is not altogether like the ordinary Indian school?

Mr. STEPHENS of Texas. It is an industrial school as I understand it. I have visited the Chiloco school, but not the Haskell school.

Mr. MANN. What do those Indian scholars do there?

Mr. STEPHENS of Texas. As I understand, they take all of the usual branches which they have at other industrial schools, such as blacksmithing, making shoes and harness, and doing laundry work, buggy making, and everything of that kind.

Mr. MANN. Are there any receipts from this school which are turned into the Treasury?

Mr. STEPHENS of Texas. The value of the products of the school last term was \$9,116.

Mr. MANN. It seems to be like an expensive school for that kind of a school.

Mr. STEPHENS of Texas. Our experience is that these industrial schools cost more than ordinary schooling, for the reason that they have more machinery to purchase and more expensive appliances to keep up.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows.

MINNESOTA.

SEC. 9. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, \$39,175; for general repairs and improvements, \$4,000; in all, \$43,175.

Mr. STEPHENS of Texas. Mr. Chairman, I have a committee amendment to that section which I wish to offer.

The CHAIRMAN. The gentleman from Texas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 13, line 11, strike out "\$4,000" and insert in lieu thereof "\$6,700"; and in line 12 strike out "\$43,175" and insert in lieu thereof "\$45,875."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state, in connection with that amendment, that the reason is this: This is a nonreservation school and it has been used as an Indian school for a number of years. This is the reason given by the department in a letter recently received:

HOUSE OF REPRESENTATIVES,
Washington, December 19, 1912.

HON. SCOTT FERRIS,
House of Representatives.

MY DEAR MR. FERRIS: The Indian Office says of the Pipestone Indian School:

"This school is accessible to a large number of Indian pupils needing school facilities, is well equipped, is doing efficient work, and will be needed in the present plan of Indian education for a number of years."

While it is a nonreservation school, it will be used as an Indian school for a number of years. Hence the reasonableness of requests for necessary improvements. If it were to be abandoned in the near future we might try to get along without improvements.

Two years ago \$1,500 were appropriated for an electric-lighting plant. The estimate was too small. To complete the work it is necessary that \$1,200 more be appropriated.

This year the committee allowed \$2,000 for a boys' lavatory annex. The amount is not sufficient; \$1,500 in addition are required.

My amendment is:

"Strike out \$4,000, in line 11, page 13, and insert \$6,700, \$1,200 thereof for completion of electric-lighting system and \$3,500 thereof for lavatory annex to boys' building; in all, \$45,875."

Last year the total appropriation was \$46,175. So, with the adoption of the amendment, the total appropriation will be less than that of last year.

I visited the school last fall and went over the premises carefully. With me were citizens of Pipestone who were well informed as to the cost of construction and repairs. I have heard from them since the committee reported the bill, and from my own observations and from

information I obtained upon the ground, I am confident that the amounts I have named are necessary to complete the things to be undertaken.

Of course, the school needs a gymnasium, a dairy building, and machinery for the steam laundry. But the gymnasium would cost \$6,500, the dairy building at least \$4,000, and the machinery for the laundry \$1,500.

I shall hope at some future time to have the committee look favorably upon these items, but now I am simply asking for what is absolutely necessary to complete the work which the committee has seen fit to undertake.

I have talked with Mr. BURKE and Mr. STEPHENS concerning the matter, and I would be greatly obliged to you if, in my absence, you will offer this amendment and secure its adoption.

Very truly, yours,

W. S. HAMMOND.

This seems to have been a rearrangement, and a letter justifying it comes through the department to the committee, and at a committee meeting held on last Saturday we agreed to this amendment.

Mr. MANN. As I understood the reading of the amendment by the Clerk, it was to strike out "\$6,000" and insert "\$4,000."

Mr. STEPHENS of Texas. No. It was to insert "\$6,700" and strike out "\$4,000," making an increase of \$2,700. Still it is less than the appropriation carried last year.

The CHAIRMAN. Without objection, the Chair will put the two amendments together. The question is on agreeing to the two amendments, respectively.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$165,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. This item proposes to take \$165,000 of the principal in the Treasury and appropriate it for the support and civilization of these Indians. It is the same as in the current law. May I ask how this principal sum is expended in the support and civilization of the Indians? In other words, is it really being expended for things which are of permanent value to the Indians or is it the use of a part of their principal to pay current living expenses?

Mr. STEPHENS of Texas. I will state to the gentleman in reply that—

The act of January 4, 1889, referred to in this item, provides, among other things, that, after the principal sum accruing to the credit of the Chippewa Indians thereunder from the sale of Chippewa timberlands should exceed the sum of \$3,000,000, the United States shall be reimbursed out of the proceeds accruing therefrom for all amounts advanced for the support and education of the Chippewa Indians, and, inasmuch as the balance of the fund to the credit of these Indians on October 31, 1912 (the United States has been reimbursed for advancements), amounted to about \$4,250,000, it would appear that no further appropriation should be made for them.

With this vast sum on hand, and additional funds being placed to the credit of the Indians, they are in position to provide funds for their own support and civilization. There are 11,000 Indians under six superintendencies.

Mr. MANN. I am not complaining at all of the payment of money to these Indians for their support out of their own funds, instead of out of the Treasury, but this is a portion of their principal. Now, how is this money being expended? It is not required to be expended. It is a matter of discretion with the Secretary. How does he expend it? Is the money being expended for just food to eat or for permanent improvements in some way for the benefit of the Indians?

Mr. STEPHENS of Texas. The statement from the department on this item proceeds:

Six superintendencies are necessary, as each of the reservations handled thereunder are either so large or so widely separated from each other as not to be handled successfully by combining the jurisdictions of two or more.

The increase of \$20,000 over the amount withdrawn last year is asked for the following reasons:

First, Because it is contemplated to use \$15,000 in providing lands for certain homeless Mille Lac Chippewa Indians who are entitled to share in the fund and who have not received allotments of land; and,

Second, Because it is desired to increase the facilities for giving the adult Indians practical instruction and aid in the pursuit of agriculture.

Mr. MANN. That is not on this item. I think that is on one of the items that the committee did not insert.

Mr. STEPHENS of Texas. This is the justification given to the committee:

With regard to this proposition, it is stated that the Indians now obtain a large part of their employment in the lumber industry, but as the timber becomes scarce more and more dependence in gaining their livelihoods must be placed upon cultivation of the soil. The Indian Office plans to employ practical farmers, who are to live among the Indians and who are to have under their charge equipment which may be loaned to the Indians until such a time as they will farm tracts large enough to justify individual purchases of implements and machinery.

Mr. MANN. Does the gentleman know how much money these Indians receive each year from the Government as interest on their funds which are on deposit?

Mr. STEPHENS of Texas. I gave the total amount of their fund, which is about \$4,250,000.

Mr. MANN. That is the total amount on deposit.

Mr. STEPHENS of Texas. Yes.

Mr. MANN. How much is paid each year in the way of interest?

Mr. STEPHENS of Texas. I do not know. Probably the gentleman from South Dakota [Mr. BURKE] can state that. He is more familiar with it, as it is in his section of the country.

Mr. BURKE of South Dakota. I think these Indians have about \$4,000,000 on deposit, and I think the interest is about 5 per cent, but I am not certain.

Mr. MILLER. Will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MILLER. The amount of the funds of the Minnesota Chippewas has not been determined exactly, because the accounting has not yet been had. They have between \$8,000,000 and \$9,000,000 in the Treasury, against which the Government claims an offset of about \$3,500,000 or \$3,700,000.

Mr. BURKE of South Dakota. If the gentleman will permit me, I think there has gone into the Treasury to the credit of these Indians nearly \$9,000,000, but as I recall it \$4,250,000 was charged up to them on account of moneys that had been advanced previously, that were reimbursable. I think they actually have in the Treasury something over \$4,000,000.

Mr. MILLER. They have also coming into the Treasury the proceeds from the sales of timber that will be available in the next two or three years, which will be likely to amount to about \$3,000,000.

Mr. MANN. The gentleman from Minnesota is familiar with the situation. Is this money that has been expended from their principal expended for current living expenses practically, or is it expended in the way that people ordinarily would spend the principal of their funds?

Mr. MILLER. It is expended in a great variety of ways. The provision is for their education and support. They expend it in constructing buildings and in other ways. I do not know that there is any particular limitation on it. They expend it in whatever way they think proper.

I will say in addition that the interest on this general permanent fund—if I may use that expression—has never been distributed among the Indians until this year. The original law provided that a large part of it should be distributed among the Indians for education. That has never been done. It provided that the balance should be distributed in other ways, but the distribution has never taken place until this year, although the aggregate amounts to about \$1,750,000. This year, however, after some repeated importunities, the department has consented to make a per capita payment, of \$75 per Indian, and they have been making that payment during the last month.

Mr. MANN. And yet, notwithstanding that, it is proposed now to appropriate a portion of the principal in addition to that for current expenses.

Mr. MILLER. That is practically true. I have always been somewhat in doubt about the propriety of this particular appropriation, but it seems that they have used it on the whole to good advantage.

Mr. MANN. I have no doubt of that fact; and yet here is a sum to their credit in the Treasury upon which they are entitled to the interest, which they will now receive. Of course if you keep on appropriating part of the principal each year, that means that the interest will grow less, and hence each year the appropriation of a part of the principal will have to be increased, and in the end the principal will be exhausted.

Mr. MILLER. I will say to the gentleman that the increase each year is greatly in excess of this \$165,000, and that the total amount has been increasing in recent years.

Mr. MANN. I do not know that the interest is so very much in excess of the \$165,000. Probably it does not exceed \$250,000.

If the fund amounts to \$5,000,000, 5 per cent on it would be \$250,000, and that ought to be sufficient. If they have been satisfied with \$165,000 heretofore without receiving the interest, and if they now receive the interest on \$5,000,000, they ought to be willing, I should think, not to spend a portion of the principal unless it is expended for something which is a permanent benefit to them.

Mr. STEENERSON. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. STEENERSON. As I understand, \$165,000 is due them under the act of 1889. The Government is simply carrying out what it promised to pay.

Mr. MILLER. I was about to state that.

Mr. STEENERSON. It is a matter of treaty, and this amount is due them.

Mr. MILLER. The treaty was made and the Government agreed that they should have this amount each year.

Mr. MANN. I understood the gentleman from Texas to state that there was included in this item \$15,000 for the purchase of homesteads for certain Indians. I think probably that was an accidental statement.

Mr. MILLER. That was stricken out on my own motion. I will say, if the gentleman wants further information as to the \$15,000 item, the original home of the Chippewa Indians was in the vicinity of Mille Lac, and when the treaty was made it contemplated that they would be removed to the White Earth Reservation, and nearly all of them were removed; but about 250 of them have refused to move. The Government has tried every means at its disposal to induce them to move, but they flatly refuse. They go over sometimes, but come back some way or other, if they have to walk back, and live in the vicinity of Mille Lac. They are trespassers there. They occupy small tracts of land which their ancestors occupied, but they are trespassers, as the land belongs to the whites, to individuals. The whites are discontented and the Indians are not particularly contented, and the problem of the department is what to do with these Indians. I received word a year ago that these Indians were destitute and suffering.

I called upon the department and they sent an agent there, and he reported that they were destitute and rations were issued to them. The agent suggested that a purchase should be made from the Chippewa fund of homes for these Indians there. What to do with the Indians is a big question. The whites do not want them, and they have no land there. I do not believe we will ever solve the problem of these or any other Indians by building little homes where they can have an Indian village. They are all dependent, poverty stricken, wards of the Government, and if we are going to do anything for them permanently we have got to provide allotments and sufficient land upon which they can make a living. Fifteen thousand dollars, of course, would do nothing toward that; and I thought, rather than have a small beginning without any real benefit, we had better postpone it until a proper disposition of it could be made.

Mr. MANN. Mr. Chairman, I am somewhat surprised that the gentleman from Minnesota did not follow the example of the distinguished gentleman from Oklahoma [Mr. FERRIS] and secure a large enough appropriation from the Government to buy a homestead for these Indians anywhere in the great State of Minnesota. The gentleman from Oklahoma, for the Fort Sill prisoners, secured authorization for the Government to purchase a home anywhere—land sufficient for a farm—in any place in Oklahoma or any other good State.

Mr. STEPHENS of Texas. Does the gentleman think it right to charge up to Oklahoma these Indians brought there by the United States and held as prisoners? Those Indians belong to New Mexico and Arizona, but ran away and went to war and were captured and held at Fort Sill, not by the authority of the State of Oklahoma, but were prisoners of war.

Mr. MANN. I do not charge up anything to Oklahoma, but I credit the ingenuity to my distinguished friend from Oklahoma in persuading Congress to give the men a home and a farm because theoretically the Government had them in jail and because they were Indians. If they had been white men, they would have thrown them out with \$15 if they had been really in jail. These people were only theoretically in jail, and yet the Government is authorized to buy them farms. I commend the example to my friend from Minnesota.

Mr. CARTER. If they had been white men, they would not have been in jail.

Mr. MANN. These Fort Sill Indians are not in jail.

Mr. MILLER. As an incident to this general proposition, the authority of Congress was given to the Mille Lac Band of Indians to bring suit against the United States Government about four years ago, growing out of the treaty of 1889, and there was a recovery—the case is now before the Supreme Court—approximately of a million dollars. The disposition of that may enter into the general settlement of this question.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1913, out of the funds belonging to said band.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I have a committee amendment that I desire to offer at this time, which I send to the desk and ask to have read.

Mr. MANN. Mr. Chairman, I think the point of order had better be disposed of. I do not understand that the amendment refers to this particular item.

Mr. STEPHENS of Texas. No; it is an amendment submitted by the gentleman from Minnesota [Mr. STEENERSON].

Mr. MANN. Mr. Chairman, this item, which has been carried in the bill for some time, is for the sum of \$1,000 for what is denominated in the bill as an "annual celebration." There are other terms which are applied in other parts of the country to similar celebrations. What I want to know of the gentleman from Minnesota [Mr. MILLER] is whether it is at these celebrations, with the circumstances attendant upon them, that Indians have been persuaded to assign their claims or sell their property, so that there has come up so many charges at least of fraud in connection with the White Earth allotments and allottees?

Mr. MILLER. Mr. Chairman, I can say to the gentleman that this is not an occasion when anything of that kind has ever occurred or probably ever will occur. It is purely an Indian matter. The Indians have complete charge, with the proper supervision of the department officers. It is simply a celebration that they have had for many years. Members of the big tribe gather from the various sections of the country, where they now live, and this is the one thing that is dear to their hearts, and if you strike out one thing from the bill that would work havoc among them it would be this.

Mr. MANN. I have not any intention of endeavoring to strike it out of the bill, but I would like to know whether the law and the rules and regulations concerning intoxicating liquors in Indian country are at all suspended at this annual celebration.

Mr. MILLER. Mr. Chairman, I was about to add that they are not; that there is the most perfect sobriety and orderliness characterizing all of the days and hours of the days and nights of this celebration.

Mr. MANN. Mr. Chairman, I accept the gentleman's statement on that, although I have heard it insinuated that there was more or less illegitimate traffic in fire water on this occasion, and that there were more or less white people gathered around the celebration seeking to obtain the consent of Indians to sell some of their property. I did not know about that.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Minnesota if they connect the holding of an agricultural fair with this appropriation, so that when the Indians get together they exhibit the products of the farms, and so forth.

Mr. MILLER. No; they do not.

Mr. STEPHENS of Texas. I recently visited the Saxton Reservation in Arizona, and found there a very creditable exhibit made by those Indians, and I was in hopes that they were following the same example in Minnesota.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The Clerk read as follows:

Page 14, at the end of line 7, add the following as a new paragraph: "That the unexpended balance of the appropriation for the completion of the drainage survey of ceded Indian lands made by act of April 30, 1908, is hereby reappropriated and made available for an extension of the drainage survey, together with an estimate of the cost of the project, to cover the Red Lake Diminished Reservation, in Minnesota, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage and make the same suitable for agricultural purposes."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. FOSTER. Mr. Chairman, I reserve the point of order on the amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Minnesota, in whose district this Red Lake Reservation is situated, to explain the reason for the amendment. It is a committee amendment, agreed to by the committee.

Mr. STEENERSON. Mr. Chairman, I would say that I submitted this item to the committee at the request of the Red Lake Indians. They first held a council last June and adopted resolutions and sent them down to me, but they came too late to have the amendment included in the last year's appropriation bill. They wanted this survey made last summer, but it came too late and it could not be very well included in any other bill, although it was put in the sundry civil appropriation bill in the Senate, but was struck out in conference. They again held a council while I was present last November, and one of the things that they requested is this extension of the drainage survey to the diminished reservation; and they have recently held another council and sent a copy of the proceedings to me and to the Indian Office, making the same request. Now, I will explain—

Mr. STEPHENS of Texas. Will the gentleman read the letter from the department?

Mr. STEENERSON. I will do so. The matter was submitted to the department, and I will read the letter to the chairman of the Committee on Indian Affairs from the Secretary of the Interior.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 2, 1913.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I understand that the following has been suggested to your committee as an amendment to the Indian appropriation bill now pending: "That the unexpended balance of the appropriation for the completion of the drainage survey of ceded Indian lands made by the act of April 30, 1908, is hereby reappropriated and made available for an extension of the drainage survey, together with an estimate of the cost of the project, to cover the Red Lake Diminished Reservation in Minnesota, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage to make the same suitable for agricultural purposes."

The Indian Office desires me to point out that the suggested amendment would be highly desirable, as it will enable that bureau to cause a preliminary survey to be made with a view to determining the feasibility of reclaiming by drainage a considerable quantity of wet, swampy land within the diminished reservation, which it is believed can be drained, and when so drained will be highly adaptable for agricultural purposes.

Making the unexpended balance of the prior appropriation available for use within the diminished reservation will enable this department to cause the necessary preliminary surveys to be made without the necessity of asking an additional appropriation for this particular purpose, which the Indian Office advises me it contemplated doing either at the present or the next session of Congress.

I am advised by the Indian Office that the balance of the appropriation remaining unexpended is \$4,546.21.

I have the honor to recommend, therefore, that the matter be given favorable consideration by your committee.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

Now, if the committee will indulge me, I will explain that the Red Lake Reservation contains about 450,000 acres. There are about 150,000 or 200,000 acres of pine and other timber lands. The western part is very good agricultural land providing it could be drained. There are 1,350 Indians on this reservation, and they are reasonably prosperous and doing very well, but their agricultural operations are quite limited. They are desirous of extending their agricultural work. They have made good progress. These Indians are divided into two factions, called the standpatters and progressives. The standpatters are principally composed of the "cross lakers," who are still, I believe, heathen. They are conservatives; they do not believe in allotments in severalty. They want all their property held in common, and I admire them for their sturdiness of character. The other faction or more advanced Indians, the progressives, so called, are very strongly in favor of allotment. Now, this Indian reservation has perhaps two or three hundred million feet of standing timber, which is valuable and is not being cut only where it has been burned, as there is no authority for cutting it. This reservation is owned in common, and no allotments in severalty have yet been made. A few of them have opened farms and some of them have built very good houses, but of course there being no allotments in severalty the man who makes the finest farm and best house is liable to have his house taken away or his land divided up with somebody when the allotments are finally made. For that reason the great question there is the allotment question. There is not sufficient amount of land actually suitable for agriculture

available for allotment unless we drain the land. This western part of this reservation is bounded by what we call the 11 towns, which were ceded by this same band in 1904 under an act of Congress which I introduced and which Congress passed. That embraced about a quarter of a million acres of similar land. It was to be sold at \$4 an acre, or so much more as it would bring in the market. It was necessary, in order to comply with the treaty with the Indians, to raise a million dollars to pay them for this land—that is, for the 11 towns.

The land was so low and wet that it could not be sold under those conditions, and Congress refused to appropriate the million dollars, so we had the dilemma of how to dispose of it, and on my initiative an item was included in the Indian appropriation bill for a drainage survey, first of \$10,000, and then of \$10,000 and then of \$5,000, to ascertain what could be done with this quarter of a million acres adjoining this unceded land, and the Geological Survey sent out men who made a fine survey, and it was done on scientific principles. We then passed a law allowing that Government land to be assessed for the drainage improvements under the State law the same as if it was owned by private persons. The result was that the land was sold at good prices, but instead of realizing the million dollars that the Indians had agreed to take for it we realized \$1,260,000, and we have got land enough to raise \$12,000 more, and that land is now the best land in northern Minnesota. This has excited the Indians who own the adjoining land so that they want their land drained also, and hence they have held these three conventions, demanding that their lands be drained in order that they may have agricultural lands to be allotted to them.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. BURKE of South Dakota. This \$1,260,000 which was received for 268,000 acres, did that money go to the Indians—all of it?

Mr. STEENERSON. It is in the United States Treasury.

Mr. BURKE of South Dakota. To the credit of the Indians?

Mr. STEENERSON. To the credit of these Indians.

Mr. BURKE of South Dakota. Was the \$35,000 appropriated for the drainage survey reimbursed or not?

Mr. STEENERSON. I forgot to state that. The money appropriated for the drainage survey, it was provided by the act, should be raised by raising the price of the unsold ceded Indian lands 3 cents an acre.

There was a million and a half of ceded land which, if it was raised 3 cents an acre, would amount to \$45,000. When all that land is sold the United States will be reimbursed by an income of \$45,000. Now, they have only expended \$30,000, and there is a little over \$4,500 left for no specific purpose. There is no provision for it. Now, as you will see, this white here [indicating on map] is the Indian land. That has not been ceded. That is still owned in common. This on the west here [indicating] is where there has been drainage operations and where more than 1,000,000 acres have been reclaimed.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. STEENERSON] has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEENERSON. This land was sold all around here. Now, it was proposed to take the unexpended balance and extend the survey, which only provided for the ceded lands—this colored part of the map—to the unceded part—this white part—and that is simply a preliminary step in order to determine whether this land is as suitable for successful drainage as the land immediately west, or whether this river channel can be sufficiently deepened, and so on; and if it is then determined it is a feasible project and is good for the Indians, it is proposed to follow it up pursuant to this resolution of the Indians. The timber land will be sold for the common benefit of all these 1,300 Indians.

Mr. BURKE of South Dakota. Will the unexpended balance which it is proposed to use accomplish all you state you desire?

Mr. STEENERSON. Very nearly. They stated that there was \$4,500 unexpended.

Mr. STEPHENS of Texas. Will the gentleman point out the part of the Indian land that has had this survey made?

Mr. STEENERSON. All this in green and colored is the former Red Lake Indian Reservation, and is ceded land, and the piece in white is unceded.

Mr. STEPHENS of Texas. Is that unallotted and held in common?

Mr. STEENERSON. It is unallotted and is held by these 1,350 Indians. I want to take the money that was raised by increasing the price of these unsold lands and survey the Indian lands, because that land belongs to the Indians, if it belongs to anybody, and it will give us the first step toward what we desire. The Government in selling the land simply acted as trustee for the Indians.

Mr. STEPHENS of Texas. I understood the gentleman to say that it was reimbursable under the original act, and the Indians desire it to be done.

Mr. STEENERSON. They are unanimous on that point. I had a council with them before I came, and even the stand-patters, who were not in favor of the allotment in severalty, wanted it settled so as to know whether it could be put in shape or not.

Mr. MANN. Was all of this in possession of the original 1,300 Indians?

Mr. STEENERSON. No. Before 1859 it did not belong to any specific tribe that anybody knew of, and hence under the Nelson Act, the act of 1889, it was thrown into a common pot, so to speak, and the land throughout all this country was sold for the benefit of the whole Chippewa Nation of Minnesota.

Mr. MANN. And not for the Red Lake Indians?

Mr. STEENERSON. No.

Mr. MANN. Then, what interest have the Red Lake Indians in this fund?

Mr. STEENERSON. I will explain that. After the act of 1889 passed, the divided Red Lake River Reservation extended down to the Thief River Falls, and these 200,000 acres were, by the treaty of 1904 ceded to the United States under an agreement made by an Indian inspector, Maj. McLaughlin, whereby the Indians ceded the land to the United States in consideration of \$1,000,000, in consideration of the fact that thereafter the Red Lake Reservation should belong to the Red Lake Reservation as a separate treaty. And in that treaty the remnant that was occupied by these Indians should be a separate property.

Mr. MANN. I think not. When this original survey was authorized and an appropriation was made that money was to be raised by adding 3 cents an acre to the land that was yet unsold, as I remember.

Mr. STEENERSON. Yes.

Mr. MANN. Now, was that land that was yet unsold all the property of these Red Lake Indians?

Mr. STEENERSON. No.

Mr. MANN. That land was sold, and the amount that was accumulated therefrom was used largely for making a survey for the drainage of the land that was sold and the land that was allotted?

Mr. STEENERSON. Yes.

Mr. MANN. There was some land unallotted, was there not?

Mr. STEENERSON. Unallotted?

Mr. MANN. Yes; unallotted. There is some land there now unallotted, is there not?

Mr. STEENERSON. No. I do not think I understand the gentleman's question. Where does the gentleman mean?

Mr. MANN. Where these Red Lake Indians are.

Mr. STEENERSON. That is all unallotted.

Mr. MANN. Some of this original land is unallotted?

Mr. STEENERSON. The whole reservation is held unallotted.

Mr. MANN. The present reservation is held unallotted?

Mr. STEENERSON. Yes.

Mr. MANN. All the land that was surveyed and on which 3 cents an acre was contributed is not unallotted?

Mr. STEENERSON. The gentleman certainly does not mean to say that you can allot land that was ceded and disposed of?

Mr. MANN. No. I have not yet been able to trace any connection between these Red Lake Indians and this fund that is in the Treasury except their desire to expend the fund.

Mr. STEENERSON. Oh, no; they have not asked especially for this fund. The fact is that they have always contended that the old Red Lake Reservation belonged to them.

Mr. MANN. But the Government did not agree to that. We did not agree to that. Now they have a reservation of their own which they wish to have surveyed for drainage. Why do not they pay for it?

Mr. STEENERSON. The gentleman means, Why do they not do it out of their own money?

Mr. MANN. The money does not belong to them.

Mr. STEENERSON. Oh, yes; it does.

Mr. MANN. In what way? I have not been able to find any connection between this fund and these Indians.

Mr. STEENERSON. I will explain the connection. Thirty thousand dollars already has been expended to facilitate the sale of these other lands, and they have been sold, and the Chippewas of the State of Minnesota got their money sooner than they otherwise would have gotten it; that is, \$30,000. Eventually there will be \$45,000, and there will be \$10,000 that could be used for some other branch of the Chippewa Indians.

Mr. MANN. But the Red Lake Indians do not own it.

Mr. STEENERSON. It is their share of it from other lands.

Mr. MANN. Their lands have been sold, and the fact that they claim it does not make it theirs.

Mr. STEENERSON. There are no other Indians who claim it.

Mr. MANN. I see no reason, because a fund has been created by the sale of certain Indian lands, and is in the Treasury, why that fund should be expended for the benefit of other Indians, simply because they want it.

Mr. STEENERSON. Well, if the fund was derived in part from a sale of their property, they are entitled to a share in the property.

Mr. MANN. How much property did these Red Lake Indians have—lands which have been sold and which contributed 3 cents an acre to this fund?

Mr. STEENERSON. They claimed to have the whole of that land.

Mr. MANN. They do not claim it now, because that was a claim that was not admitted by the Government and has not been carried out by the treaty.

Mr. STEENERSON. Even the Government said that the Red Lake Indians had contributed more than their share to the common fund when they had contributed these 3,000,000 acres under the act of 1889. The report of the Secretary of the Interior so stated, and President Harrison so stated in his message to Congress.

Mr. MANN. Did the gentleman ever introduce a bill on this subject?

Mr. STEENERSON. We have a bill now in course of preparation, but this would give an examination sooner than that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, it seems to me that a matter of this sort, which, of course, is perfectly intelligible to the gentleman in charge, can not very well be understood by other Members on the floor without some opportunity to examine it. It seems to me that the gentleman ought to have had a bill introduced and reported to the House by the committee if such a condition existed, so that Members might have an opportunity to examine it. Then there might be no objection to including it. But to offer an amendment on the floor of the House in a matter of this sort, which in itself does not amount to very much, but which goes far as a matter of principle when you take into consideration that we may be entering upon the drainage of all the Indian and other swamp lands in the United States, I do not think even the committee ought to ask to have it inserted in the bill under those circumstances at this time.

Mr. STEPHENS of Texas. I call the attention of the gentleman from Illinois to the fact that part of this money has already been expended on these same lands for the purpose of drainage, making a survey, and seeing whether or not a portion of the reservation could be drained. We are only asking for the use of the unexpended balance in extending the same drainage system for the same Indians. If we made a mistake in the first instance, we are making a mistake now.

Mr. MILLER. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. MILLER. I hope the gentleman will not deem it necessary to make a point of order against this. It seems to me it is probably a more just case of its kind than is likely ever to arise again. When these lands were ceded, in 1904, as pointed out by my colleague, Mr. STEENERSON, the Government was unable to sell the lands, and it then sought to recoup itself for the amount it agreed to pay the Indians. Thereupon it devised the scheme of having a drainage survey, which called for an appropriation of \$35,000.

Mr. MANN. That amount has been received up to date, has it not?

Mr. MILLER. The amount of \$35,000 has been appropriated, and about \$30,000 has been used. In order to recoup itself for this appropriation of \$35,000 the Government distributed a tax of 3 cents per acre over these lands.

Mr. MANN. Over what lands?

Mr. MILLER. Over these ceded lands where the survey was made.

Mr. MANN. Did that apply to anything except lands which were sold?

Mr. MILLER. It did not. It was not necessary that it should.

Mr. STEENERSON. It applied to the unsold lands also.

Mr. MILLER. It applied to the unsold lands that were to be sold.

Mr. MANN. I mean lands that were sold and that were to be sold.

Mr. MILLER. It applied to those lands that were to be sold and which were sold, and that gave the Government \$45,000.

Mr. MANN. They sold the land for that much more. The Indians did not have to pay it.

Mr. MILLER. They sold the land for that much more than the Government agreed to pay the Indians.

Mr. MANN. So that it was not paid by the Indians?

Mr. MILLER. The land was sold by the United States, and it belonged to the United States, because it had been ceded by the Indians to the United States. The Government of the United States has expended in that survey \$30,000 and has received back \$45,000 and has actually gained \$15,000. Now, that profit—if we can speak of it as such—was derived from the property of this particular band of Indians.

Mr. MANN. This particular band of Indians did not own the property, by the way.

Mr. MILLER. The Chippewas of Minnesota owned it.

Mr. MANN. But, assuming for the sake of the argument that they did own it, the Government made a treaty with them in which it agreed to pay them so much for the land.

Mr. MILLER. Precisely.

Mr. MANN. Thereupon the Government sold the land for a little more.

Mr. MILLER. Yes.

Mr. MANN. Is the Government under any obligation to turn over the excess to the Indians?

Mr. MILLER. I think not. I do not maintain that it is.

Mr. MANN. That is what this amounts to.

Mr. MILLER. Not necessarily. The Government came out winner in the transaction, as it always has in transactions of this sort.

Mr. MANN. No; the Government usually comes out loser; and it took the chance of losing in this transaction, and it has not yet come out a winner, because it has not sold all the land.

Mr. MILLER. I beg the gentleman's pardon. In Minnesota the Government has come out a very big winner in every transaction with the Indians.

Mr. MANN. On the contrary, in Minnesota in many cases the Government has come out a loser, and may come out a loser on these lands, which have not yet been finally disposed of.

Mr. MILLER. What I am trying to show to the gentleman is—and I know that at first glance it requires a moment's reflection—that it would be only just to give these Indians an opportunity to have their lands surveyed when the cost is so small.

Mr. MANN. Yes; but the lands which they are proposing to survey are valuable lands. Why should not they contribute toward paying for the surveys on their land? They have not contributed anything yet. Other lands where the Government agreed to pay the Indians for it—it may be in some cases more than they were worth—have paid 3 cents an acre. These Indians have not paid anything and the lands have not paid anything. Why should not they pay in the case of the surveys of their own land for drainage purposes?

Mr. STEENERSON. Mr. Chairman, I am unwilling that any wrong impression should go out as to a matter of fact. My last advice was to the effect that the whole \$45,000 had not all been paid into the Treasury. I think that the unsold lands when they are sold will realize \$45,000, but that has not been done as yet.

Mr. MILLER. How much has been reimbursed?

Mr. STEENERSON. I do not know; they say it was pretty fast last year, and I think it comes to quite a high figure.

Mr. MANN. The gentleman does not know whether the Government will ever sell the land for the amount it agreed to pay the Indians. It has not been able to sell it yet for that amount.

Mr. STEENERSON. I want to say further that in view of the very fine distinction made by the gentleman between the Red Lake Chippewas and the Chippewas of Minnesota, many of whom I have the honor to represent, to avoid any technicality whatever I am willing to have the appropriation amended so as to make it reimbursable out of the Red Lake fund.

Mr. MANN. Mr. Chairman, I wish the gentleman from Texas would ask to let this go over until Monday, so that we will have a chance to see what the proposition is, and then we can prepare the necessary amendment.

Mr. FERRIS. If the gentleman asks that it be passed on the theory that there might not be anything to reimburse from, I want to say that they have \$552,530 cash on hand belonging to this particular band, so that there would be no doubt about the reimbursability of it.

Mr. MANN. I have no doubt about that; the land is good for reimbursement.

Mr. STEENERSON. They have the money, and they want it used.

Mr. STEPHENS of Texas. Mr. Chairman, I had hoped to proceed for a half an hour longer.

Mr. MANN. I understood that the gentleman at 5 o'clock was going to move that the committee rise.

Mr. STEPHENS of Texas. I thought that we might finish up these provisions with relation to Montana.

Mr. MANN. I have no objection to running a little while longer. Do I understand that this item is passed by unanimous consent with the point of order pending?

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that this item be passed with the point of order pending.

The CHAIRMAN. Without objection, the request of the gentleman from Texas will be considered as agreed to.

There was no objection.

The Clerk read as follows:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, \$150,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

Mr. PRAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 14, line 25, strike out the figures \$150,000 and insert \$250,000.

Mr. STEPHENS of Texas. Mr. Chairman, to that I make a point of order.

Mr. PRAY. Mr. Chairman, I do not think the amendment is subject to a point of order.

Mr. STEPHENS of Texas. I hope that the amendment will not be adopted.

Mr. PRAY. Mr. Chairman, I do not intend to occupy the time of the committee at this late hour in the afternoon to any great extent. But I sincerely hope that this amendment may be adopted, because I believe it is a meritorious and necessary amendment; that the appropriation not only ought to be increased to \$250,000 but to \$450,000, in accordance with the estimates and recommendations of the supervising engineer of the Flathead irrigation project and in accordance with the suggestions of the Director of the Reclamation Service.

It is intended when this project is completed to irrigate about 150,000 acres of land on this reservation. It will cost \$3,781,000 to complete the project. At the rate the appropriations are now being made, it will be in all probability many years before the project is finished. Many of the people who are now residing upon this reservation, waiting patiently for water to be turned into the ditches, which they claim the Government had promised, will be dead and gone when the project is completed.

I have received a number of protests from people residing in that section of the State against these unusual and, as they allege, unnecessary delays. Therefore I consider it my duty to bring this matter to the attention of the committee, and ask them, if they will, to appropriate the sum of money recommended by the Director of the Reclamation Service, who is in charge of this construction work, so that the people who are now living upon the reservation may derive some benefit from this project before they are summoned to another world.

Mr. STEPHENS of Texas. Is it not a fact that the people insisting on that are mainly white persons?

Mr. PRAY. There are some 1,500 settlers who are now occupying the surplus lands, and they have a perfect right, in my judgment, to insist upon the completion of the project.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PRAY. Certainly.

Mr. MANN. How much are these combined irrigation systems to cost?

Mr. PRAY. There is only one system, I will say to the gentleman, on the Flathead project. It is composed of five units.

Mr. MANN. I am taking the language of the law, which calls it "systems."

Mr. PRAY. I accept the gentleman's correction. The amount is estimated at \$3,781,000.

Mr. MANN. How much money has been expended upon it up to date?

Mr. PRAY. I think about \$500,000.

Mr. MANN. Is that utilizable at all?

Mr. PRAY. In what respect?

Mr. MANN. Is there anything there that can be used in the way of irrigation now?

Mr. PRAY. Oh, yes; to some extent. Some of the units are partially completed. One unit, I believe, is 85 per cent completed.

Mr. MANN. Is there any land being irrigated there at the present time?

Mr. PRAY. Some land; yes.

Mr. MANN. I notice that the director asked for \$250,000.

Mr. PRAY. The Commissioner of Indian Affairs, I believe, asked for \$250,000, but the director and supervising engineer estimated for \$450,000. Right in that connection I will say to the gentleman that a year ago \$200,000 was appropriated, but the expenditure of that appropriation was limited to two projects, and it was considered practically inadvisable to expend it on those two projects. In fact, it could not be done economically; at any rate, it was so stated by the engineer on the project, when I visited there last fall.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. PRAY. Certainly.

Mr. STEPHENS of Texas. I presume the project to which the gentleman refers is the Jocko division, 84 per cent of which has been completed, and the other project is the Pablo division, of which 42 per cent has been completed. Are not these two items the units which the committee desires to finish before going ahead with any other?

Mr. PRAY. Yes.

Mr. STEPHENS of Texas. Is not that the reason that the committee refused the larger appropriations?

Mr. PRAY. That is exactly what I am trying to bring to the attention of the chairman of the committee. A year ago in the Indian appropriation bill you appropriated \$200,000 for this project, but so limited the use of that appropriation as to make it practically useless.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. PRAY. Yes.

Mr. MONDELL. The gentleman is familiar with the conditions upon that reservation. Is it not true that the making of these small appropriations increases the cost of the construction because of the fact that only small units can be constructed at one time and it is impossible to let the contracts in the most economical manner?

Mr. PRAY. That is quite true.

Mr. MONDELL. And that the delay in making large appropriations now keeps the Government and the Indians out of the use of the lands for the reclamation of which large sums have already been appropriated?

Mr. PRAY. Yes; it does.

Mr. MONDELL. So that in the interest of economy and in the interest of the early utilization of the land now partly irrigated and for the irrigation of which large sums have been expended we need a very much larger amount than this?

Mr. PRAY. The Director of the Reclamation Service and other officials have stated repeatedly that it necessarily increases the cost of the project where inadequate sums are appropriated from time to time. Let me go into the subject a little more fully.

Three great irrigation projects are now and have been for some time under construction on Indian reservations in Montana. These projects are being built by the United States Reclamation Service for the Indian Office. If they should ever be completed, they would irrigate thousands of acres of fertile lands on the Flathead, Blackfeet, and Fort Peck Indian Reservations. With the meager appropriations that are now being made by Congress for this important work it will be many years before the projects will be finished. People who are now occupying these lands, relying upon the implied promise of their Government to furnish the water, will be old and decrepit or else in their graves before that promise is fulfilled, unless a different course is pursued in making appropriations. Take the Flathead project, which we have been considering, for example, that being the largest and most expensive one undertaken.

The reclamation officials asked the Committee on Indian Affairs to appropriate \$450,000 for the coming season, and have received, as this bill will show, \$150,000 instead. The other appropriations are cut proportionately. If the present policy is continued, it will probably be about 30 years before the Flathead project is finally completed. In the meanwhile there are 1,500 homesteaders on this reservation marking time, unable to cultivate their lands profitably because of lack of water for irrigation during the season when water is most needed. The Indian appropriation bill at the last session carried an item of \$200,000 for this project, but the engineers found when they called for money to proceed with the work that they could expend economically only about \$90,000 of the amount thus appropriated, because of the conditions imposed requiring the entire sum to be used in work on but two units of the project. For the purposes of administration and economical management, the Reclamation Service has divided the project into several units, and the work of construction is carried on according to plans adopted by the engineers far in advance of construction. One of the units upon which the appropriation was required to be spent was nearly completed, and it was not found to be practicable, in the judgment of the officials in charge, to do more than a small amount of work on the other unit at that particular time. So, as a matter of fact, the greater part of the season was wasted and they were unable to use \$110,000 of the appropriation. If an abandonment of the remaining units of these projects is contemplated by our friends who now control the House, a most excellent beginning has been made.

It is my understanding that the committee has been thoroughly acquainted with the needs of the different projects by the Government officials in charge of the work; that they have presented to the committee from time to time complete information relating to the plans of construction and appropriations required, but that the response has been unfavorable to an expeditious and economical completion of the projects. What sort of business judgment and foresight is it to turn down the estimates of the department calling for an appropriation of \$450,000 and allow \$150,000 for a year's work on a project which, when finished will cost \$3,781,000, when all of these appropriations can be economically used and are reimbursable? The answer to this query would probably be that it is not good business to appropriate large sums of money out of the Treasury without knowing when and in what manner it is going to be returned. The fact is that we have now expended, or had at the close of the fiscal year June 30, 1912, \$490,000 on the Flathead project and that \$390,000 of that amount has already been reimbursed to the United States and paid into the Treasury. The reports show that the timber alone on this reservation is worth several hundred thousand dollars more than the entire cost of the project, and that is not taking into account at all the increased value of the land from \$75 to \$150 per acre. If we are going to irrigate 200,000 acres of land which, when water is furnished, will be worth \$20,000,000, it seems to me that the Government is not entering upon a speculative or hazardous enterprise in any sense, but is proceeding along conservative lines in the furtherance of a policy enacted by Congress and favored by two different administrations.

These great projects have been under way for three years. The opening of these reservations was given wide publicity, likewise the fact that the Government proposed to reclaim large areas by construction of irrigation works. Thousands of settlers took up land and established their homes upon these reservations, believing in the responsibility and good faith of the Government and that it would really accomplish what it apparently was making every preparation to undertake when they went upon these lands.

These projects present no specially difficult engineering problems. The plans have all been perfected by the reclamation officials, and the men and equipment are on the ground and all is in readiness to proceed with all possible expedition. But the money has been withheld or else offered in small dribbles, and every season of delay caused by inadequate appropriations will undoubtedly greatly increase the present estimate of cost on all these projects.

Mr. STEPHENS of Texas. Mr. Chairman, Mr. Newell, engineer in charge of this work, states:

There appeared to be, at the time of the last hearing, 2,265 Flathead Indians. The land to be irrigated comprises 150,000 acres, at an estimated cost of \$3,781,000, the cost per acre being \$26. There was expended to July 1, 1911, \$490,019.44. We appropriated for the fiscal year ended June 30, 1912, \$400,000, and in the last appropriation bill,

for the fiscal year ending June 30, 1913, we appropriated \$200,000. Now, they are asking for the next fiscal year an appropriation of \$200,050.

Mr. PRAY. Will the gentleman yield?

Mr. STEPHENS of Texas. I desire to finish reading this, as it gives a succinct statement of the whole matter.

Mr. PRAY. I think the gentleman made a mistake in the figures.

Mr. STEPHENS of Texas (reading):

The former hearings disclosed the fact that these Indians have lands and timber conservatively estimated to be worth about \$5,000,000; and \$370,000 of the moneys expended on this project had been actually reimbursed in the Treasury at the time of the hearings a year ago. There appears to be five units in connection with this project, and when the hearings were held last year the Jocko unit, I think, was said to be 81.5 per cent completed, the Mission unit was 9.6 per cent completed; the Pablo unit was 28.7 per cent completed; the Polson unit was 9.8 per cent completed; and the Post unit was 31 per cent completed.

Now, the present condition of the work, as shown by the last copy of the Reclamation Record for November, 1912, is as follows: The Jocko division is 84 per cent completed; the Mission division is 11.6 per cent completed; the Pablo division is 42.5 per cent completed; the Polson division is 9.9 per cent completed; and the Post division is 35.8 per cent completed.

We desired that the Jocko unit should be completed, so that water could be furnished to parties underneath those ditches, and also the Pablo division 42 per cent, nearly half of that was completed. That is the reason we cut the appropriation to what it is.

Mr. PRAY. Is not the recommendation \$250,000 instead of \$200,050?

Mr. STEPHENS of Texas. Yes.

Mr. PRAY. And is it not further the fact that the officials stated that last year's appropriation of money could not be economically expended because of the limitations imposed upon its use?

Mr. STEPHENS of Texas. Oh, certainly; they wanted the full amount they asked for, but we did not think it proper to give it to them before they completed these two units now so nearly completed. I ask for a vote.

The CHAIRMAN. The gentleman made a point of order. Does the gentleman desire a ruling on that?

Mr. STEPHENS of Texas. I withdraw the point of order and ask for a vote.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share of the Northern Cheyenne Indians in the permanent fund created under section 17 of the act of Congress approved March 2, 1889 (U. S. Stat. L., vol. 25, p. 888), and to expend it for the benefit of said Northern Cheyenne Indians in the purchase of stock cattle or such articles as in his judgment will best advance said Indians in civilization and self-support, \$48,075.07.

Mr. PRAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the figures in line 16, page 16, insert as a new paragraph the following:

"The sum of \$75,000, or so much thereof as may be necessary, \$25,000 of which shall become immediately available, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of surveying the land within the Tongue River or Northern Cheyenne Indian Reservation, Mont., for completing the survey of the lands within the Fort Belknap Indian Reservation, Mont., and for making a meander survey around the Flathead Lake so as to identify the lands embraced within the power-site withdrawal of 100 linear feet around that lake back from the high-water mark for the year 1909."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to make a point of order against the amendment offered by the gentleman. I think it is clearly subject to a point of order, as it is new legislation.

Mr. BURKE of South Dakota. Pending that I want to inquire in regard to the paragraph from lines 7 to 16. The amendment of the gentleman from Montana is a new paragraph. I want to make inquiry in regard to the paragraph beginning at line 7 and ending in line 16. I call the attention of the chairman to the fact that at the end of line 16 is the sum of \$48,075.07.

Mr. STEPHENS of Texas. I understand this amendment to be offered as a new paragraph and has no connection with this. It does not propose to touch the total.

Mr. BURKE of South Dakota. His amendment has no reference to this paragraph at all.

Mr. STEPHENS of Texas. I understand.

Mr. BURKE of South Dakota. I call the attention of the Chairman again to line 16. At the end of the line are the fig-

ures \$48,075.07. Do I understand that is the amount appropriated by this item?

Mr. STEPHENS of Texas. That is the amount authorized by the department.

Mr. BURKE of South Dakota. That is the amount of the Northern Cheyenne Indians in the permanent fund?

Mr. STEPHENS of Texas. That is right, and they have asked this amount be given for the purpose stated in the amendment.

Mr. BURKE of South Dakota. I call the Chairman's attention again to the fact that the language is very ambiguous, and it is doubtful whether it appropriates it. It seems to me it has no connection with it.

Mr. STEPHENS of Texas. That is in accordance with the letter they have forwarded.

Mr. BURKE of South Dakota. That does not help it.

Mr. STEPHENS of Texas. What amendment does the gentleman suggest?

Mr. BURKE of South Dakota. I am not certain it requires any.

But here is an authorization:

That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share of the Northern Cheyenne Indians in the permanent fund—

And so forth.

And to expend it for the benefit of the said Northern Cheyenne Indians in the purchase of stock cattle or such articles as in his judgment will best advance said Indians in civilization and self-support, \$48,075.07.

Mr. STEPHENS of Texas. This follows the law already. That is the unexpended balance.

Mr. BURKE of South Dakota. How do we know it is the unexpended balance?

Mr. STEPHENS of Texas. That is what they state in the letter.

Mr. BURKE of South Dakota. Then, in line 13, after the comma, should it not state "which amount is \$48,075.07, and the Secretary of the Interior is authorized to expend it"?

I am simply calling the attention of the committee to the way in the paragraph the \$48,000 is appropriated.

Mr. STEPHENS of Texas. I think the first part of the sentence makes that clear, namely:

That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share—

In a certain event.

Mr. BURKE of South Dakota. Suppose the entire share happened to be \$58,000?

Mr. STEPHENS of Texas. These are their figures, and they keep books there.

Mr. BURKE of South Dakota. I would like to call the gentleman's attention to the fact that this item does not state that this is the balance. It stands as \$48,000 and odd in figures.

Mr. STEPHENS of Texas. That is the appropriation.

Mr. BURKE of South Dakota. It does not so state. It does not appropriate \$48,000.

Mr. STEPHENS of Texas. What amendment would the gentleman suggest?

Mr. BURKE of South Dakota. I do not think the \$48,000, as it stands at present—

Mr. STEPHENS of Texas. Has the gentleman noticed the first language in line 7, namely:

That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury—

And so forth?

Mr. BURKE of South Dakota. He has authority to withdraw it if it is \$48,000 or if it is \$148,000?

Mr. STEPHENS of Texas. It says that it is for the benefit of the Shawnee Indians.

Mr. BURKE of South Dakota. What have the figures \$48,000 there to do?

Mr. STEPHENS of Texas. I have no objection to their going out.

Mr. BURKE of South Dakota. I do not think they ought to be there in that form.

Mr. STEPHENS of Texas. If you will make a motion—

Mr. BURKE of South Dakota. I am not going to make a motion, but I think it is inadvertently inserted in that way, and I think it ought to go out, or to make it so that it is understood that we can not expend more than \$48,075.07. Suppose the share of the Cheyenne Indians is \$148,000, would that limit the Secretary of the Treasury from drawing from the Treasury \$148,000?

Mr. STEPHENS of Texas. I think that is merely directory.

Mr. BURKE of South Dakota. I think so.

Mr. STEPHENS of Texas. I think so. It directs him to take out whatever balance there is there.

Mr. FERRIS. Will the gentleman yield just a moment?

Mr. BURKE of South Dakota. Certainly.

Mr. FERRIS. I am rather inclined to think the gentleman's suggestion is a good one. If you will turn over to page 19, lines 18 to 24, you will find there the following language used to withdraw trust funds:

Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States at his discretion the sum of \$25,000.

This language has always answered the purpose, all right.

The specific amount withdrawn is stated in the body of the paragraph—and I wonder if it might not help the language by inserting, after the word "Treasury," page 16, line 8, the words "the sum of \$48,075.07, which is the share of the Northern Cheyenne Indians"?

Mr. BURKE of South Dakota. The gentleman will see that if you made a period where the comma appears, after the word "support," in line 16, that the sentence would be complete, and the \$48,075.07 would not mean anything.

Mr. MANN. Is the gentleman sure that it would not be contended as meaning something? I think the suggestion made by the gentleman from South Dakota [Mr. BURKE] as to the form is quite apt, but this being a trust fund I do not suppose that we make an appropriation.

Mr. FERRIS. Simply withdraw it.

Mr. MANN. We simply withdraw it, and where the act says, "the entire share of the Northern Cheyenne Indians, which was \$48,075.07," I apprehend the department would not allow them to withdraw more than the \$48,075.07. I at first thought that this being an item that does draw interest, there might be no way of ascertaining the exact amount that was in the Treasury at the date at which it was to be withdrawn, but, as I understand now, the interest is payable without the action of Congress at all, and the department has certified that there remains this amount, \$48,075.07.

Without taking time to strike out that 7 cents, I would like to suggest to the gentleman from Texas [Mr. STEPHENS] that it is now 7 minutes of half past 5.

Mr. STEPHENS of Texas. I would like to have this item settled.

Mr. MANN. This item is settled.

Mr. FERRIS. There is a point of order pending.

Mr. STEPHENS of Texas. Yes; a point of order is pending.

Mr. FERRIS. But to another section.

The CHAIRMAN. There is no point of order pending to this section. The point of order that was made does not relate to this section.

Mr. BURKE of South Dakota. Mr. Chairman, I wish to offer an amendment. On line 13, page 16, after the parenthesis, insert the words "which amount is \$48,075.07." And then strike out the figures in line 16, after the words "self-support."

Mr. STEPHENS of Texas. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amend, page 16, line 13, by inserting, after the parenthesis, "\$48,075.07" and striking out, on line 16, after the words "self-support," the figures "\$48,075.07."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota [Mr. BURKE].

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a ruling on the point of order suggested by the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Chairman, would it not be possible for the committee to rise now and leave this matter pending?

Mr. STEPHENS of Texas. I would like to have a ruling now. I think it is perfectly clear, Mr. Chairman, that it is new legislation. It provides for a survey, and it is certainly new legislation.

Mr. PRAY. Would not the gentleman agree to rise now? I desire to discuss the amendment briefly later.

Mr. STEPHENS of Texas. I will yield to the gentleman to make such observations as he pleases now. It is six minutes until half-past 5.

Mr. PRAY. I hope the gentleman from Texas will consent to allow it to go over.

Mr. STEPHENS of Texas. I will reserve temporarily the point of order. The gentleman can conclude on Monday. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10169. To provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge; and

H. R. 10648. Amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes and to protect the same."

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until Monday, January 6, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Duwamish River, Wash. (H. Doc. No. 1219); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of West Fork, South Branch Chicago River, Ill., from Robey Street west to Forty-eighth Avenue (H. Doc. No. 1220); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Mississippi River between Winnibigoshish and Pokegama reservoirs; and from Leech Lake Dam to the mouth of Leech River, Minn., with a view to straightening and improving the channel (H. Doc. No. 1223); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an urgent deficiency estimate of appropriation for improvement of electric-light plant, Department of the Interior (H. Doc. No. 1221); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed in the State of Utah at the election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

6. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed in the State of Texas at the election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

7. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed in the State of Michigan at an election held therein November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

8. A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of all property in his charge belonging to the United States (H. Doc. No. 1222); to the Committee on Accounts and ordered to be printed.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII,

Mr. GRAHAM, from the Committee on Expenditures in the Interior Department, submitted a report (No. 1279), together with the views of the minority, on the matter of the investigation of the Indian Bureau, with transcript of testimony taken and exhibits offered from April 9, 1912, to August 17, 1912, which said report was referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 27657) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 27658) to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line; to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 27659) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 27660) granting to the city of Klamath Falls, Oreg., certain unsurveyed lands for park purposes; to the Committee on the Public Lands.

By Mr. BATHRICK: A bill (H. R. 27661) to establish a bureau to institute a system of loaning money to farmers upon agricultural lands; to the Committee on Ways and Means.

By Mr. REILLY: A bill (H. R. 27662) making it unlawful for any society, order, or association to send or receive through the United States mails, or to deposit in the United States mails, any written or printed matter representing such society, fraternal order, or association to be named or designated or entitled by any name hereafter adopted, any word or part of which title shall be the name of any bird or animal, the name of which bird or animal is already being used as a part of its title or name by any other society, fraternal order, or association; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: A bill (H. R. 27663) to amend section 2291 of the Revised Statutes of the United States relating to homesteads; to the Committee on the Public Lands.

By Mr. LOBECK: A bill (H. R. 27664) to incorporate the Virginia Terminal Co.; to the Committee on the District of Columbia.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 27665) to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART: A bill (H. R. 27666) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 25, 1912; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 27667) granting a pension to Wilburn Munkers; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 27668) granting a pension to Charles E. Brackett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27669) granting a pension to Gertrude Meloy; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 27670) granting a pension to Katherine M. Keegan; to the Committee on Pensions.

By Mr. BARCHFELD: A bill (H. R. 27671) granting an increase of pension to George W. Haney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27672) granting an increase of pension to Thomas Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27673) granting an increase of pension to George Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27674) authorizing the Secretary of War to grant an honorable discharge to John P. Barry; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 27675) granting a pension to Faithie P. Nolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27676) granting an increase of pension to Sarah Frye; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 27677) granting an increase of pension to August Fink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27678) for the relief of John McElhiney; to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 27679) granting an increase of pension to James F. Hubbard; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 27680) granting an increase of pension to Elizabeth Hoon; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 27681) for the relief of Ed. P. Ambrose; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 27682) granting an increase of pension to Newton Ridgway; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 27683) granting an increase of pension to Ida C. Taylor; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 27684) granting an increase of pension to Everett G. Ford; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 27685) granting a pension to Roxanna Starkey; to the Committee on Pensions.

By Mr. HAMLIN (by request): A bill (H. R. 27686) for the relief of A. P. Holcomb and the heirs of Samuel Thompson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 27687) granting a pension to Matilda J. Sweaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27688) granting a pension to Stella Griffiths; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 27689) granting an increase of pension to Pleasant H. Harper; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 27690) granting an increase of pension to Robert D. Rector; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 27691) granting an increase of pension to Harvey Haugh; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 27692) for the relief of the heirs of William G. Patience; to the Committee on Claims.

By Mr. MCGILLICUDDY: A bill (H. R. 27693) granting a pension to Rachel D. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 27694) granting a pension to Hattie E. Delano; to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 27695) for the relief of Edward N. McCarty; to the Committee on Claims.

By Mr. MACON: A bill (H. R. 27696) granting an increase of pension to George M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27697) granting an increase of pension to Harvey H. M. Moore; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 27698) granting an increase of pension to Mary R. Clarke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27699) granting an increase of pension to Isaac Lint; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 27700) granting a pension to Charles N. Ashford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27701) granting a pension to Emma J. Goodrich; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 27702) granting a pension to Howard S. Gardner; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 27703) granting an increase of pension to William Jones; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 27704) granting an increase of pension to Charles E. Burr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27705) granting an increase of pension to Sarah Flook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27706) granting an increase of pension to Michael N. Musselman; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 27707) granting a pension to Charles Voos; to the Committee on Pensions.

Also, a bill (H. R. 27708) granting a pension to Daniel A. Millard; to the Committee on Pensions.

Also, a bill (H. R. 27709) to remove the charge of desertion against Walter S. Goodrich; to the Committee on Military Affairs.

Also, a bill (H. R. 27710) to remove the charge of desertion from the military record of Peter S. Beauchamp; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 27711) granting a pension to Aaron Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27712) granting a pension to Rebecca Rapalyea; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 27713) granting an increase of pension to Annie Conroy; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 27714) granting an increase of pension to Edward Gifford; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 27715) granting an increase of pension to John L. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27716) granting an increase of pension to James McCormick; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 27717) granting an increase of pension to Sylvania Collins; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. B. 27718) granting an increase of pension to Sarah F. Meade; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 27719) for the relief of J. Will Morton and the estate of Clarissa H. Morton, deceased; to the Committee on War Claims.

By Mr. WHITACRE: A bill (H. R. 27720) granting an increase of pension to Daniel Ruff; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 27721) granting a pension to Ida M. Gleaves; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Christopher Fickbeiner, Toledo, Ohio, favoring the passage of House bill 1339, granting an increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Chilton Co., Philadelphia, Pa., favoring the passage of the section of the Post Office appropriation bill requiring the statement of circulation of all publications under Government supervision; to the Committee on the Post Office and Post Roads.

Also, petition of John T. Mack and other representatives of the Ohio Daily Newspapers Association, asking for the repeal of the publicity section of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Pine Bluff Lodge, No. 305, Brotherhood of Railroad Trainmen, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of E. B. Opelycke, Bryan, Ohio, favoring the passage of the Kenyon "red-light" injunction bill to clean up Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the local chapter of the Socialist Party of Newark, N. J., favoring a congressional investigation of the prosecution by the Government of the Appeal to Reason; to the Committee on the Judiciary.

Also, petition of Moore & Mead and 2 other merchants of Coshocton, Ohio, favoring the passage of legislation giving the Interstate Commerce Commission further power toward controlling the express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. AYRES: Petition of the North Side Board of Trade, favoring the passage of House bill 26677, providing for the relocation of the pierhead line in the Hudson River between Pier 1 and West Thirtieth Street; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Papers to accompany bill granting an increase of pension to George W. Haney; to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of C. J. Laverenz, Danville, Ill., and the citizens of Chisman, Ill., favoring the passage of House bill 4043, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of A. H. Swift, manufacturer of gold leaf, of Rochester, N. Y., praying for an increase of duty on gold leaf from 35 to 50 cents per 100 leaves, leaf not exceeding 3½ by 3½; to the Committee on Ways and Means.

Also, petition of the Schlegel Manufacturing Co., Rochester, N. Y., protesting against a reduction in the rate of duty on coach lace; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the general executive committee of the Railway Business Association, favoring the passage of legislation granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the Association of National Advertising Managers, New York, protesting against the passage of the Old-field patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. FITZGERALD: Petition of the board of directors of the New York Civic League, favoring the passage of legislation preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Federation of Jewish Farmers of America, favoring the passage of legislation establishing a system of farmers' credit unions; to the Committee on Banking and Currency.

By Mr. FORNES: Petition of Kenyon & Kenyon, New York, N. Y., favoring the passage of House bill 26277, for creating a United States court of patent appeals; to the Committee on the Judiciary.

Also, petition of the Garvin Machine Co., New York, N. Y., protesting against the placing of machine tools on the free list; to the Committee on Ways and Means.

Also, petition of the New York Produce Exchange, New York, N. Y.; and the Railway Business Association, New York, N. Y., favoring the passage of House bill 25106, granting a federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the Mariani Co., New York, N. Y., favoring the passage of legislation creating an advisory tariff board; to the Committee on Ways and Means.

Also, petition of the Association of National Advertising Managers of New York, protesting against the passage of House bill 23417, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the Grain Dealers' Association, favoring the passage of Senate bill 957, for the regulation of bills of lading; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Grain Dealers' National Association, favoring the passage of House bill 3010, for the regulation of the telephone and telegraph service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brooklyn League, Brooklyn, N. Y., favoring the passage of bill for the relocation of the pierhead line in the Hudson River between Pier 1 and West Thirtieth Street; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of William McLeod, Hemlock, N. Y., favoring the passage of House bill 1339, to increase the pension of veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: Petition of William Houston Kenyon and other citizens of New York and Brooklyn, favoring the passage of House bill 26277, establishing a United States court of patent appeals; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: Petition of residents of 20 towns of the sixth district of Nebraska, favoring the passage of legislation making it possible to compel all concerns selling goods direct to consumers entirely by mail to contribute their portion of the funds to the development of the local community, the county, and the State; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Oshkosh, Nebr., favoring the passage of House bill 4043, preventing the shipping of liquor into dry territory; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of the Pennsylvania Sealers' Conference, Harrisburg, Pa., favoring the passage of House bill 23113, fixing a standard barrel for fruits, vegetables, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. NORRIS: Petition of citizens of Dundy County and other citizens of Nebraska; the Nazarene Church of Hastings, Nebr.; the First Presbyterian Church; the First Congregational Church; the Federation of Churches; and the First Baptist Church, Hastings, Nebr., favoring the passage of the Kenyon-

Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of citizens of Geneva, Nebr., favoring the passage of the Kenyon "red-light" bill to clean up Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. REYBURN: Petition of Pennsylvania Sealers' Conference, Harrisburg, Pa., favoring the passage of House bill 23113, fixing a standard barrel for fruits, vegetables, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Philadelphia Board of Trade, reaffirming its belief in a permanent tariff commission; to the Committee on Ways and Means.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the general executive committee of the Railway Business Association, favoring the passage of House bill 25106, for the incorporation of the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the Board of Agriculture of the State of Connecticut, protesting against the passage of any legislation reducing the present tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Association of National Advertising Managers of New York, protesting against the passage of section 2 of the Oldfield patent bill, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the New Haven Chamber of Commerce, New Haven, Conn., expressing their belief in the integrity of the

officials of the New York, New Haven & Hartford Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Sealers' Conference, favoring the passage of House bill 23113, fixing a standard barrel for fruits, vegetables, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of the New London Business Men's Association, New London, Conn., protesting against the passage of the provision contained in the sundry civil bill stopping the appointment of any more cadets or cadet engineers in the Revenue-Cutter Service unless authorized by Congress; to the Committee on Naval Affairs.

By Mr. STEPHENS of California: Petition of the Afternoon Club of Alhambra, Cal., protesting against the passage of any legislation tending to interfere with the present national system of protecting the forests; to the Committee on Agriculture.

By Mr. THOMAS: Papers to accompany bill for the relief of J. Will Morton and the estate of Clarissa H. Morton; to the Committee on War Claims.

By Mr. TILSON: Petition of the Chamber of Commerce of New Haven, Conn., expressing their confidence in the integrity of the officials of the New York, New Haven & Hartford Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKERSHAM: Petition of resident fishermen at Ketchikan, Alaska, favoring the passage of legislation preventing the setting of fish traps in the tidal waters of Alaska; to the Committee on the Territories.

By Mr. WILLIS: Petition of John T. Mack and other representatives of the Ohio Daily Newspaper Association, asking for the repeal of the publicity section of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.